Home Dept

ACTS AND ORDERS

FOR THE

GOV^T OF INDIA LIBRARY

North Western Provinces.

FOR THE YEAR

1844.

BENGAL SECRETARIAT LIBRARY.

RE-PUBLISHED FROM THE AGRA GAZETTE

BY ORDER OF THE

HONORABLE THE LIEUTENANT GOVERNOR, N. W. P.

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1846.

BENGAL SECRETARIAT LIBRARY.

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 17th February, 1844.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 17th February, 1844, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT No. II. OF 1844.

An Act respecting the expense of preparing Copies of Proceedings in Appeals.

Whereas it is just and necessary that the expense of preparing copies in the English Language of the proceedings in Cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals:

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 2nd March, 1844.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 2nd March, 1844, is hereby promulgated for general information.

ACT No. III. OF 1844.

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

I. Whereas it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences:

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice:

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

Home Department,

LEGISLATIVE,

The 2nd March, 1844.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 2d March, 1844, is hereby promulgated for general information.

Act No. IV. of 1844.

An Act for repealing Regulation IX. of 1808 *of the Bengal Code.*

Whereas the Provisions of Regulation IX. of 1808 of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete:

It is hereby enacted, that the said Regulation be repealed.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

Home Department,

LEGISLATIVE,

The 2nd March, 1844.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 2d March, 1844, is hereby promulgated for general information.

Act No. V. of 1844.

An Act for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of Lotteries.—

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall from and after the 31st day of March, 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5,000 Rupees.

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever, agree to pay any sum, or

to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in the Section shall for every such offence upon conviction before a Justice of the Peace or Magistrate, be punished by fine not exceeding 1000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 16th March, 1844.

Erratum in Section I. of Act No. 2 *of* 1844 *respecting the expense of preparing Copies of Proceedings in Appeals as published in the Calcutta Gazettes of the* 24*th and* 28*th February and* 2*d March,* 1844.

For "the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay and at Allahabad," read "the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay and at Agra."

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT.

LEGISLATIVE.

The 9th April, 1844.

The following Act is brought up before the Legislative Council this day, the Governor General of India in Council being desirous that no time should be lost in passing the Act.

Resolved,—That the Rule requiring that no Draft of a Law shall be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months, from the date of the first reading, be suspended in respect to the following proposed Act, and that it be at once passed into Law.

ACT No. VIII. OF 1844.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

It is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison or such other place as such Governor or Governor in Council (as the case may be) may direct, provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 13th April, 1844.

The following Act, passed by the Right Hon'ble the Governor General of India in Council on the 13th April, 1844, is hereby promulgated for general information.

ACT No. IX. OF 1844.

An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all Suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such Suits from the Court in which they may have been instituted, and to try them himself or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the Suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen or more than one Sudder Ameen attached to the Court of any Zillah

or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction, of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such Suits as are mentioned in Section 1, of this Act, provided the landed or other real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the Suit may be commenced shall reside as a fixed inhabitant, within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any Original Suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing Original Suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same Stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 11th May, 1844.

The following Act, passed by the Right Hon'ble the Governor General of India in Council, on the 11th May, 1844, is hereby promulgated for general information.

ACT No. X. OF 1844.

An Act to amend the Law respecting the period of the Execution of Persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted that every person convicted of Murder should be executed according to Law on the day next but one after that on which the sentence should be passed unless the same should happen to be Sunday and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every Murderer unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects:

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for Murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 15th June, 1844.

The following Act is brought up before the Legislative Council this day. The Governor General of India in Council being desirous that no time should be lost in passing the Act—Resolved, that the Rule requiring that no Draft of a Law should be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months, from the date of the first reading, be suspended in respect to the following proposed Act, and that it be at once passed into Law:

ACT No. XIII. OF 1844.

An Act for making Trisoolee Pyce no longer a legal tender within the Province of Benares and for their withdrawal from circulation.

It is hereby enacted, that from and after the First day of August, 1844, the Trisoolee Pyce struck for the Province of Benares, under the Provisions of Regulation X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that until the said First day of August, 1844, such Trisoolee Pyce shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoolee Pyce paid in shall be received as one Company's Pyce, and one Company's Pyce shall be given for every Trisoolee Pyce presented for exchange) at such Treasuries or other places within the Province of Benares as shall be pointed out for that purpose in any Proclamation of the Lieutenant Governor of the North Western Provinces.

III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant Governor shall issue a Proclamation pointing out the Treasuries or other places within the Province of Benares at which such Trisoolee Pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoolee Pyce as may appear to the Officer appointed to receive or exchange the same under this Act to be undoubtedly spurious.

IV. And it is hereby enacted, that it shall be lawful for the said Lieutenant Governor, if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoolee Pyce so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoolee Pyce accordingly.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 6th July, 1844.

The following Act passed by the Governor General of India in Council, on the 6th July, 1844, is hereby promulgated for general information.

ACT No. XIV. of 1844.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of Transportation for Life.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced, in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single Judge of the Sudder Court to sentence such offender, at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life, unless there should be special reasons inducing him to think such offender not a proper subject for transportation which special reasons he is hereby further directed to record.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 7th September, 1844.

The following Act, passed by the Governor General of India in Council, on the 7th September, 1844, is hereby promulgated for general information.

ACT No. XVIII. OF 1844.

An Act for the better control and management of Jails within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 16th November, 1844.

The following Act is brought up before the Legislative Council this day. The Governor General of India in Council being desirous that no time should be lost in passing the Act :—

Resolved,—That the Rule requiring that no Draft of a Law should be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months from the date of the first reading, be suspended in respect to the following proposed Act, and that it be at once passed into Law.

ACT No. XXI. OF 1844.

An Act for regulating the emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana and Trinidad.

I. It is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby so far as the same are applicable to the Emigration of Natives from the Ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, Emigrant laborers, being Native inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make Monthly Reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the Ports aforesaid in any ship or Vessel unless a licence be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding One Rupee per Emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licenced as above to receive on board any Emigrant laborer, as above provided, unless such laborer, shall have in his possession and show a Certificate or pass to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And it is hereby enacted, that before any Ship or Vessel so licenced to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid, shall embark therein to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid a certificate under the hand of such Agent to the effect following, that is to say—

1st. That such Agent has by personal communication done what is required on the part of such Agent by the 3rd Article of the Schedule hereunto annexed, provided always that every such Agent shall make the inquiries specified in such Schedule in anopen Court or public office to which all persons shall have admission.

2ndly. That all the directions contained in the 4th, 5th, 6th, and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3rdly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall for the purposes of this Act be deemed to be,

For the Port of Calcutta, twenty weeks;
For the Port of Madras, nineteen weeks;
For the Port of Bombay, nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana or Trinidad shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September, and the 1st of March next thereafter ensuing.

IX. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid, the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad without having fully complied with every particular hereinbefore required previous to clearance he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of

this Act that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping to export any Native on board any Ship or Vessel contrary to the provisions of this Act shall be liable to be punished on conviction before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act, and it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to Act as Emigration Agents at Calcutta, Madras, and Bombay.

2. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him but shall be in the nature of an Annual Salary.

3. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the Port or Place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour, by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to any of the Colonies aforesaid, any number of Passengers exceeding the proportion of one person for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6. There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid at the time of departure of such Ship or Vessel from the Port or Place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers over and above the victualling of the Crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons for every week of the computed voyage for every Passenger on board such Ship or Vessel, such water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her Water Casks, a supply of water at the rate beforementioned for every week of an average voyage to such Port or Place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall

be deemed to have complied with in any case when it shall be made to appear, that by the special authority of the Governor General of India in Council any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7. Before any such Ship or Vessel shall be cleared out on any such voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed Sea-worthy and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

8. The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife, and children a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10. The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Emigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

T. R. DAVIDSON,
Offg. Secy. to the Govt. of India.

ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES.

Fort William,

FINANCIAL DEPARTMENT,

The 22nd November, 1843.

The Governor General in Council is pleased to direct that the following Resolution prescribing the terms on which leave of absence, on private affairs, or on Medical Certificate, will be granted hereafter to Medical Officers holding Civil Appointments, be published for general information.

Resolution. Any Medical Officer in Civil Medical employ who shall proceed on leave of absence from the Station to which he is attached, whether on private affairs, or on Medical Certificate, shall forfeit during the period of such absence the whole of his Civil Salary, and shall be entitled to draw his Military Pay and Allowances only, subject to the Rules in the Military Department. The Medical Officer performing the duties of the absentee shall receive the entire allowances of the situation in which he may be appointed to officiate; unless he be in Medical Charge of a Regiment, or the Wing of a Regiment at the same Station, in which case, he will receive his allowances for such charge, and 100 Rupees a month additional for the performance of the Civil duties.

Any Medical Officer in Civil Medical employ who shall be absent from his duty, whether on Medical Certificate, or on account of his private affairs, for a period of 6 months at one time, shall not be permitted to return to his Civil Appointment without a fresh nomination thereto, and shall be considered from the date of expiration of the six months, to be at the disposal of the Commander-in-Chief.

By order of the Right Honorable the Governor General in Council.

(Signed) J. A. DORIN,
Secy. to the Govt. of India.

Re-published by order of the Honorable the Lieutenant Governor, N. W. P.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

JUDICIAL DEPARTMENT.

The Hon'ble the Lieutenant Governor is pleased, under the authority conferred by Section III., Act XV. of 1843, to invest the Moonsiffs in Zillah Goruckpoor with the powers of Covenanted Assistants to Magistrates, under Regulation IX. of 1807.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

JUDICIAL DEPARTMENT.

The Magistrates in the North Western Provinces are hereby authorized to grant licenses for the exportation of Arms, Ammunition and Military Stores, and to exercise the powers specified in Act No. XVIII. 1841.

In ordinary cases, the Magistrate shall report direct to the Secretary to Government in the Judicial (Criminal) Department the circumstances under which application is made to him for license for the export of Arms, Ammunition, or Military Stores, and shall await the Orders of Government before issuing of such license.

In cases of emergency, where the export may be apparently unobjectionable, and the exporter would be exposed to inconvenience by the delay of a previous reference to the Government, the Magistrate to whom application is made is empowered to grant the license without delay, at the same time reporting to the Government the circumstances which induced him to grant it without previous reference.

The license may be drawn out in any form that is found convenient, but must sufficiently particularize the nature of the dispatch which it covers.

No fee can be demanded for the preparation or issue of a license.

By order of the Hon'ble the Lieutenant Governor.

A. SHAKESPEAR,
Asst. Secy. to Govt. N. W. P.

Agra.

SEPARATE REVENUE DEPARTMENT, N. W. P.

The 10th February, 1844.

RESOLUTION.

1st. It having been found necessary to revise the Rules published under date October 17th last, for giving effect to the Provisions of Act XIV. 1843, the following Rules are now promulgated in supersession of them, and will henceforward have the force of Law, as declared by Section III. of the above Act.

Rules for giving effect to the Provisions of Act XIV. 1843.

SECTION I.

CUSTOMS LINES AND JURISDICTION.

RULE I. The lines hereinafter specified shall be established for levying the Duties authorized by Act XIV. 1843.

RULE II. The North-west Frontier line shall commence in the Himalaya range of Mountains on the Jumnah, and shall run in the direction of that river till it reaches the boundary between the Banda and Allahabad districts, whence it shall run in the direction of the Southern Frontier of the Allahabad and Mirzapoor districts, till it meets the River Soane and there it shall terminate.

RULE III. Custom House Jurisdiction shall extend on the left bank of the Jumnah from its entering British Territory in the Himalayas, to within two miles of the Chief Police Station of Shamlee, for a distance of five miles from the bank of the river, and on the right bank of the Jumnah, from the point where it enters British Territory in the Himalaya range, to the boundary of the Banda and Allahabad Districts for a distance of 15 miles from the bank or over all British Territory within that space; and along the Frontier of the Allahabad and Mirzapoor districts for the distance of 15 miles North and East of the Frontier, save and except that the cities and marts of Dehlie, Bindrabun, Muttra and Agra, shall be excluded from Customs Jurisdiction, the space so excluded being a circle of two miles from the Cotwallee or Chief Police Station of each Town. Provided that where these tracts are so excluded, the breadth of the line be extended in a correspondent measure to the Westward and Southward, so that in no place the breadth be less than 15 miles, or include all British Territory within that space.

RULE IV. The Hurrianah line shall branch off from the North-Western Frontier line at Bullubgurh, and skirting the Northern boundary of the Jhujjur Territory shall pass by Hansee, Hissar and Sirsa, and beyond that point till it reaches the extreme limits of the British Territory at, or near the Sutlej River; and along this line Customs Jurisdiction shall extend for a breadth of ten miles, or over all British Territory within that space. All Dutiable Articles crossing the Hurrianah line shall pay the full duty save and except that Salt, intended for consumption to the West of the North-west Frontier shall only be liable to half duty on crossing this line. All imported articles which have paid full duty on crossing the Hurrianah line shall not be liable to any further duty on crossing the North-west Frontier line, and exported articles which have paid full duty on crossing the North-west Frontier line shall not be liable to any further duty on crossing the Hurrianah line.

RULE V. Articles brought from the Southward and Westward within Customs Jurisdictions upon either of the above lines shall be held to be imported, save and except in the case of Sugar, the produce of a British province, as provided hereafter in Rule XXXVII. Articles brought from the Northward and Eastward within Customs Jurisdiction upon any of the above lines shall be held to be exported.

RULE VI. A line, for the levy of a duty on Salt only, shall proceed from the fortress of Allahabad, due South to the Rewah Frontier, and due North to the Oude frontier, and thence along the Western and Eastern boundaries of the Oude state, till it reaches the Nepal frontier, on either side, and there it will terminate. Customs Jurisdiction shall extend East of the line running due South and North from Allahabad for a breadth of 10 miles, and where the line skirts the Oude frontier for a distance of 13 miles from that frontier.

RULE VII. All Salt passing out of the Oude Territory across this line, shall be held to be imported, and shall be liable to the duty of Two Rupees per maund, and all Salt passing to the Eastward of Allahabad shall be held liable

to the further duty of One Rupee per maund, imposed by Section 2, Act XIV. 1843.

RULE VIII. The said Customs Jurisdiction shall not include the Ganges or Jumnah River, so as in any way to interrupt the free navigation thereof, all Customs interference with the River borne trade being hereby prohibited, further than may be required at or near Allahabad for the protection of the special further duty on Salt.

SECTION II.

Customs Chokees open and closed.

RULE IX. Custom House Chokees may be established at any points within Customs Jurisdiction for the regulation of the lawful traffic, and for the suppression of contraband traffic. The chokees shall be either open or closed, and shall be disposed in single continuous lines, at such intervals, as may be necessary. The open chokees shall be established on the chief roads intersecting each line for the passing of such Dutiable Articles as shall have paid the prescribed duty. The closed chokees shall be entirely of a preventive nature and shall be established to prevent the importation of Sugar from Foreign Territories, and the passing of Dutiable Articles, although accompanied by Rowannahs.

RULE X. A list of the open chokees for passing Dutiable Articles, within each Custom House Jurisdiction, shall be prepared and printed in the English, Persian, Nagree and Mahajunnee languages, and kept in a convenient place, for public reference, in each open chokee, and at the Tuhseeldarrees and Thannahs adjacent thereto, and in the Office of the Collector, and Collector of Customs of the District.

SECTION III.

Custom Houses and Custom House Officers.

RULE XI. Custom Houses for entering the exports and imports, and for receiving the duties authorized by the Act, shall be established at Sirsa, Hansee, Dehlie, Kurnaul, Hodul, Agra, Calpee, Rajpoor, Allahabad, and Mirzapoor. The first six, forming the 1st or Dehlje Division of Customs, and the last four, the 2nd or Mirzapoor Division of Customs.

RULE XII. The Superior Officers of the Department charged with the collection of Duties, granting of Rowannahs, and superintending the Preventive Establishment, shall be denominated Collectors, Deputy Collectors, and Assistant Collectors. The Deputy Collectors and Assistant Collectors shall be subordinate to the Collectors, but shall be competent to perform all acts which may legally be performed by the Collector. There shall be one Collector, in each Division, vested with the general superintendence and also competent to take charge of any Custom House; and there shall be in charge of each Custom House, a Collector or Deputy Collector, or Assistant Collector.

RULE XIII. The Subordinate Officers who will constitute the Preventive Department shall be called Patrols, Assistant Patrols, Darogahs, Jemadars, and Chuprassees and shall be stationed at such places along the line as may, from time to time, be found convenient. At all open chokees there shall be stationed a Darogah or Jemadar, and a Mohurrir or Weighman.

SECTION IV.

Mode of collecting the Duty on Dutiable Articles when brought across the Line.

RULE XIV. No Dutiable Articles shall be brought across the line, unless covered by Rowannahs, in duplicate, of the Form [A] Annexed to these Rules.

RULE XV. Persons desirous to obtain such Rowannahs for the passing of Dutiable Articles shall give in a written application at the nearest Custom House. The application shall specify—

The Name and Description of the Goods.
The description and quantity of carriage.
Total weight of goods.
Rate of Duty per Maund and total amount of Duty.
The name of the applicant.
By what route or chokee proceeding.

RULE XVI. A sufficient number of Officers, called Mooshriffs, shall be entertained at each Custom House; and on payment of the duty to the Treasurer and application for the Rowannah, it shall be the duty of one of these Officers to see that the Rowannah is duly and accurately prepared and delivered to the applicant, free of any further charge, or fee, whatever. Each Rowannah shall bear the signature of the Mooshriff by whom it has been prepared and delivered, and he shall be held responsible for its accuracy, and sufficiency, and early delivery.

RULE XVII. Rowannahs shall be current for three months, from the date of issue, and shall be of no effect whatever from and after the expiration of that period, excepting in the manner provided for hereafter in Section V.

RULE XVIII. Rowannahs, granted at any Custom House shall cover Dutiable Articles in all Customs Jurisdiction, save and except, that Rowannahs certifying payment of the import duty on Salt shall not exempt Salt passing Eastward of Allahabad, from payment of the further duty.

RULE XIX. When Dutiable Articles covered by a duplicate Rowannah, are brought to an open chokee the Rowannahs shall be delivered to the Officer at the chokee, who, after comparing it with the goods, and ascertaining that it covers them, shall permit the goods to pass, at the same time dividing the two copies of the Rowannah through the bordered words in the middle, himself retaining the right hand or duplicate, and delivering the Original to the owner of the goods. The goods shall on no account be detained at the chokee more than twenty-four hours unless for breach of Customs Rules.

RULE XX. The single Original Rowannah, of the Form A, shall be of no avail to cover Dutiable Articles, before they reach a line of chokees and when brought to an open chokee, save and except in the case of Dutiable Articles, intended to be brought across the Frontier line North of Dehlie, after having passed the Hurrianah line, or the reverse. In this case the single Original Rowannah shall be considered as proof of payment of duty on the line first crossed. Special Rowannahs must be taken out from the Allahabad Custom House, after payment of the further duty, to cover Salt passing to the Eastward of that city.

RULE XXI. Rowannahs destroyed by fire or water shall not be renewed or granted in duplicate, excepting by order of the Collector of the Division on proof of destruction in the manner aforesaid.

RULE XXII. If the possessor of a Rowannah be desirous to divide the despatch of goods covered by the Rowannah, he shall, on application to the nearest Custom House, obtain as many partitions of Uttrafee Rowannahs, of the Form B, as he may require, provided that a fee of two annas be paid on each partition Rowannah so taken.

RULE XXIII. Persons wishing to export Cotton, or to bring it within half a mile of the line of chokee, from the Northward and Eastward, shall make application to the Collector of Customs, and shall obtain from him a Maafee Rowannah, that is a free pass, in the Form C, annexed to these Rules: no fee shall be demanded for the preparation of such Rowannah, and it shall under no circumstances be current for more than one month from the date of issue.

RULE XXIV. Persons wishing to bring Salt within the Customs Jurisdiction from the Northward and Eastward, shall obtain a Maafee Rowannah of similar form, on payment of a fee of two annas for each Rowannah, which Rowannah shall be current for a period of 15 days from its issue, but shall not cover goods found at a greater distance than five miles from the Northern or Eastern limit of the jurisdiction.

RULE XXV. The maund weight mentioned in the Act as that on which the duty is to be levied, is the maund prescribed by Regulation VII. of 1833.

SECTION V.

Extending the Currency of Rowannahs.

RULE XXVI. Persons desirous to deposit or keep Dutiable Articles within the limits of Customs Jurisdictions for a period exceeding that for which the Rowannahs may be current, may obtain an extension of their currency for a period not exceeding eight months, calculated from the date of Original issue, provided they make application to the Collector or the Patrol of the beat, one week before the expiration of the original term of the Rowannah.

RULE XXVII. On such application being made, the Patrol shall ascertain whether the despatch is covered by the Rowannah; and, on being satisfied that such is the case, shall endorse the Rowannah and note on its back the place of intended deposit and the period for which its extension is required.

RULE XXVIII. The Rowannah so endorsed shall be sent to the Collector, who will superscribe thereon the period for which the Rowannah is extended, and the date on which the superscription will cease to have effect.

RULE XXIX. The Rowannah thus superscribed, signed and sealed by the Collector and attested by the Mooshriff, shall be delivered to the applicant, either at the Custom House, or through the Patrol of the beat as may be desired by the applicant.

RULE XXX. The Rowannah, thus extended, shall cover the goods for the period noted in the superscription and no longer.

RULE XXXI. No extension shall be granted for a second period, beyond the full term of eight months from the date of original issue, excepting on clear grounds of necessity, in order to save the owners of the goods from unmerited loss; and then, only, with the permission previously obtained of the Collector of the Division.

SECTION VI.

Illegal Acts involving Penalties.

RULE XXXII. The bringing or keeping of Salt within Customs Jurisdiction, uncovered by a Rowannah, shall subject the offenders to all the penalties prescribed by the Act.

RULE XXXIII. The bringing of Saccharine produce, Sugar or Cleaned Cotton uncovered by a Rowannah, within half a mile of the line of chokees established under Rule IX. shall subject the offenders to all the penalties prescribed by this Act.

RULE XXXIV. The attempt to bring Dutiable Articles even when accompanied by a Rowannah, across the line of chokees, except by an open chokee, shall subject the offenders to all the penalties prescribed by the Act.

RULE XXXV. Uncleaned Cotton may be brought free of duty and unaccompanied by a Rowannah to any mart South or West of the line of chokees, or on the line of chokees, but the attempt to bring the Cotton past the line, whether in a cleaned, or uncleaned state, unless it be covered by a Rowannah, shall subject the offenders to all the penalties prescribed by this Act.

RULE XXXVI. Provided that persons having in their possession, uncovered by a Rowannah, Salt not exceeding one seer, or Sugar, or Saccharine produce not exceeding 5 seers, and intended for private consumption, shall not be held liable to the penalties prescribed in the Act, and are hereby exempted therefrom. Salt not exceeding five seers uncovered by a Rowannah, found in the possession of a person, shall be liable to confiscation, but the possessor shall not be liable to the penalties prescribed by Section VII. Act XIV. of 1834.

RULE XXXVII. Provided also that Sugar, the produce of British Territory, covered by a certificate of origin, prescribed by Section III. Act XXXII. of 1836, if brought across the line from British Territory, lying on the South and the West of the line shall not be held prohibited.

RULE XXXVIII. Dutiable articles brought to an open chokee shall be held to be covered by a Rowannah in duplicate or single as may be requisite, under Rule XX. if they agree with the description in the Rowannah, in all essential particulars, and if there be no greater excess of weight than five per cent of the whole despatch, and if the Rowannah shall be current, and shall not have been previously used for passing other goods.

RULE XXXIX. If the excess in weight be more than five per cent above what is entered in the Rowannah, but not more than 15 per cent of the whole despatch, or if the discrepancy between the goods and the Rowannah be evidently the result of accident or ignorance, and there be no ground for suspecting fraud, a greater penalty than double duties on the whole despatch shall not be awarded by the Commissioner.

RULE XL. Whenever persons shall have become liable to the penalties under the declaration in these Rules, evidently from inadvertence or ignorance, and without any attempt at concealment or fraud, a greater penalty than double duties on the whole despatch shall not be awarded by the Commissioner.

2nd. In order to give effect to the provisions of Act XIV. 1843, and the above rules, the Lieutenant Governor is pleased to make the following appointments:—

Mr. G. H. Smith to be Collector of Customs in the 1st or Dehlee Division of Customs, and to have jurisdiction for the suppression of the Manufacture of Salt in the Dehlee, Meerut, Rohilcund, and Agra Revenue Divisions.

Mr. G. Todd, to be Collector of Customs in the 2nd or Mirzapoor Division of Customs, with jurisdiction for the suppression of the Manufacture of Salt in the Allahabad and Benares Revenue Divisions. During the absence of Mr. G. H. Smith, Mr. G. Todd will officiate in the room of Mr. Smith, and Mr. M. C. Ommanney in the room of Mr. G. Todd.

Major F. Mackeson, C. B. to exercise the powers of a Deputy Collector at Sirsa.

Mr. H. A. Carne, to be Deputy Collector at Kurnaul.
Mr. J. Cowley, to be Deputy Collector at Dehlee.
Mr. C. J. Davis, to be Deputy Collector at Hansee.
Mr. G. P. Lumley, to be Deputy Collector at Hodul.
Mr. M. C. Hickie, to be Deputy Collector at Agra.
Mr. G. A. Wright, to be Deputy Collector at Calpee.
Mr. A. D. Strong, to be Deputy Collector at Rajapoor.
Mr. Geo. Breton, to be Deputy Collector at Allahabad.
Mr. C. W. Bradford, to be Deputy Collector at Mirzapoor.

3rd. The Collectors of Land Revenue, adjoining the Oude Territory and their Establishments, have been invested with the powers of Custom House Officers, to enable them to check the illicit importation of Salt from Oude.

4th. The appointments of Collector of Customs at Agra and at Allahabad are abolished.

J. THORNTON,
Secy. to Government, N. W. P.

Notification,

Camp Jehanabad, the 8th February, 1844.

The following scale of duties on Merchandize passing to and from Sirsa and Bhawulpoor through the Bikaneer Territory, that is between Chutneer and Anopghur, having been fixed and determined upon by the Maharaja of Bikaneer, notice thereof is published for general information.

On every Hackery laden with Mercantile Goods, 1 Rupee.

On every Camel ditto 8 Annas per load.

On every Mule, Buffaloe, Poney, Bullock or other Beast of Burden, 4 Annas per load.

On every Horse, Camel, or Cattle for Sale 2 per cent upon value.

Any unladen Camel, Hackery, Bullock or Poney, &c. going for goods, or returning empty, will pass free and unmolested. But any Merchandize bought or sold in the Bikaneer Territory on the line of road, or any Merchant quitting the Bhutneer or the Anopghur Chowkee and passing by another direction will be subject to pay the usual local duties. The goods of Merchants will be protected as usual, and Surraees, wells and tanks will be constructed. A regular road will also be made and kept constantly repaired. The duties above fixed will be levied at Bhutneer on goods coming from the East, Dehli or Sirsa, according to a pass or Rowannah to be signed by the British Authorities at Sirsa: and at Anopghur on goods coming from the West, Bombay or Bhawulpoor, acccording to the pass to be signed by the British Agent Maatumud (Native Agent) at Bhawulpoor. Any Merchant having no Rowannah with him signed by the British Authority will be subject to a search of his goods and will be required to pay the duties acccording to the above rates, and any Merchant having with him a

pass signed by the Bikaneer Authorities, after paying the duties on his goods, will be liable to no further molestation or search by any other of the keepers of the Chowkees throughout the Bikaneer Territory.

F. CURRIE,
Secy. to the Govt. of India, with the Govr. Genl.

Notification,

REVENUE DEPARTMENT.

The 26th February, 1844.

The Hon'ble the Lieutenant Governor of the North Western Provinces has been pleased to invest Mr. J. Lean, Additional Judge in Rohilcund, with the powers of Special Commissioner, under Regulation III. of 1828, in Zillah Bareilly.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

JUDICIAL DEPARTMENT.

Agra, the 19th March, 1844.

With reference to Act. No. XVI. 1843, the Lieut. Governor empowers Commissioners of Police in the North Western Provinces, to offer a reward not exceeding 100 Rupees, for the discovery, or apprehension, of any person charged with the commission of any heinous offence. Applications for the offer of rewards exceeding 100 Rupees, for each offender, must be submitted by the Commissioners of Police, for the sanction of Government, to the Secretary in the Judicial Department, with a detail of the circumstances of the case.

The Commissioners of Police are competent to authorize payment of all rewards, the offer of which has been duly sanctioned.

By Order of the Hon'ble the Lieut. Governor, North Western Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

FOREIGN DEPARTMENT.

The 21st March, 1844.

Under authority received from the Right Honorable the Governor General of India, in Council, the Honorable the Lieutenant Governor of the North Western Provinces notifies the cession to the British Government by His Highness Mohummud Bahawul Khan, Buhadoor Ubbasee, Nuwab of Buhawulpoor of a strip of land between the village of Gunj Buksh Chistee and the frontier of the Mundote Territory, and extending from the river Gharra to the boundary of Pergunnah Ubohur in the Bhuttee Territory of Sirsa.

The lands thus acquired will be designed as Pergunnah Wuttoo and are annexed to the Bhuttee Territory of Sirsa, and will be hereafter administered according to the Laws and Regulations which may be in force in that district.

The Hurriannah Customs line is extended through this tract of country to the river Gharra or Sutlej.

By Order of the Hon'ble the Lieut. Governor North Western Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

APPOINTMENT.

The 23rd March, 1844.

Mr. G. Wyatt, Deputy Collector under Regulation IX. of 1833, in Benares, is invested with the powers of Deputy Magistrate under Act XV. of 1843.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

JUDICIAL AND REVENUE DEPARTMENT,

The 17th April, 1844.

In continuation of the Notification, dated 15th August, 1843, it is hereby intimated, that all covenanted Officers, who hold, or who may be in any way concerned in the management of lands, will be expected wholly to relinquish their interests in those lands, on or before the 1st of January, 1845; and, it is hereby intimated to such Officers, that the only condition on which they can continue to hold, or be concerned in the management of lands beyond that period, is the resignation of the Company's Service.

J. THORNTON,
Secy. to Govt. N. W. P.

GENERAL DEPARTMENT.

Agra, the 30th April, 1844.

District Dawks.

The Lieutenant Governor directs the publication for general information of the following Circular Letter this day addressed to the Commissioners of Police in the North Western Provinces.

Circular.

I am directed to call your attention to the Circular Orders of May 16th and August 2nd, 1838, and December 27th, 1839, regarding the conveying of Private Letters from Post Offices to places in the Interior of the District by means of the Tehseeldaree and Thannah Dawk Runners.

2. The Post Master General has brought to the notice of the Government that some Magistrates and Collectors object to forward Letters in this way, because of the responsibility for Postage which it entails on their establishments.

3. To meet an objection which the Post Master General did not feel himself called upon to question, it has been proposed that Letters from Post Stations to Villages or Towns in which there are no Post Offices be sent pre-paid and that Letters from such villages to Post Towns be sent bearing postage. This arrangement is on every account desirable, but if from accident or the misinformation of the writers of letters, it be not in any case observed no Magistrate and Collector should, from reluctance to incur a small responsibility or additional trouble, shrink from the performance of a duty, which his position naturally imposes upon him, and which conduces to the comfort and prosperity of the residents in the districts entrusted to his charge.

By order of the Hon'ble the Lieut. Governor of the North Western Provinces.

A. SHAKESPEAR,
Assist. Secy. to Govt. N. W. P.

JUDICIAL DEPARTMENT,

The 29th May, 1844.

Mr. J. H. Walker, Deputy Collector under Regulation IX. of 1833, in Zillah Goorgaon, is invested with the powers of a Deputy Magistrate.

A. SHAKESPEAR,
Assist. Secy. to the Govt. N. W. P.

Notification,

JUDICIAL AND REVENUE DEPARTMENT,

The 5th June, 1844.

1. It seems necessary to lay down some directions for the guidance of the Road Committees in the disbursement of the funds committed to their charge.

2. The first object should be to keep all the District roads in a fair state of repair during the season when traffic is most commonly conducted along them. This is the primary object for which the funds are appropriated, and till it is effected there cannot be any surplus for extraordinary purposes.

3. When the existing District roads have been put into ordinary repair, any surplus which may remain, should be devoted to the further improvement of the chief lines of commercial communication.

4. The earliest opportunity should be seized for surveying and marking out these lines, and no expensive works should be undertaken upon them till the Superintending Engineer has approved the line, which it is proposed to select. When the reference is made to the Superintending Engineer a copy of the reference should be sent through the Commissioner to Government, in order to ensure early attention to the subject.

5. When the line has been selected and approved for the formation of a metalled and finished road, an estimate should be formed of the expence involved, and a note made of those parts which most need repair and improved means of transit.

6. The first available surplus should be devoted to the improvement of those parts of the road, which offer the greatest obstacles to the passage of vehicles, such as marshes, sand-hills, deep nullahs, or rivers; when these obstructions have been removed,

theit will be time to pay attention to the less difficult parts of the route, and to place whole in a completely finished state.

7. Whenever the more perfect and costly modes of overcoming obstructions upon a road cannot be accomplished, palliatives should be introduced so far as means will allow. If a bridge cannot be built, a good ferry boat may be provided, or the descents to the Nullah kept in good repair, and perhaps a paved ford be added. It must always be remembered that one great obstruction, left unremedied, renders useless a whole line of most perfectly finished road, and that these obstructions are the points which require the greatest and most prompt attention.

8. Generally speaking, the provision of bridges and drains upon a line of road, is of more importance than raising and metalling.

9. No bridge or masonry work of any size, costing for instance more than 100 Rupees, should be commenced without the approval of the Executive Officer, or Superintending Engineer.

10. The Committee will make every practicable exertion to keep themselves informed of the state of the roads in the District, both by personal observation and the reports of casual travellers. The latter may be secured by keeping a book at the Sudder Station which should be presented to all travellers, proceeding otherwise than than by dawk, in order that they may have an opportunity of recording any observation they may have made on the roads over which they passed.

J. THORNTON,
Secy. to the Govt. N. W. P.

Notification,

JUDICIAL DEPARTMENT,

The 10th June, 1844.

The Tehseeldars of Pergunahs Bowana and Nujufgurh, in the District of Dehli, are invested with the powers of Police Officers described in Regulation XI. of 1831.

A. SHAKESPEAR,
Assist. Secy. to the Govt. N. W. P.

DRAFT OF PROPOSED NOTIFICATON.

Agra,

FINANCIAL DEPARTMENT,

The 26th June, 1844.

The Right Hon'ble the Governor General in Council, having passed an Act,* whereby it is declared that after the 1st August next, the Tirsoolee Pice shall cease to be a legal tender in the Province of Benares, notice is hereby given, that Tirsoolee Pice struck under the Provisions of Regulation X. 1809, and Reg. VII. 1814, and whereof the coinage was subsequently conducted at the Saugor Mint, shall be received at the Sudder Treasuries of the Collectors of Benares and Mirzapore, in any sums until the 1st of August next; one new Copper Pice being given for one Tirsoolee Pice, or one Company's Rupee for 64 Tirsoolee Pice at the option of the Collector.

* XIII. of 1844

The Collectors and Officers of the Treasuries at Benares and Mirzapore shall be at liberty to reject as spurious, any Pice not of due weight and device, or not coined at a Government Mint.

(By order.)

J. THORNTON,
Secy. to Govt. N. W. P.

JUDICIAL DEPARTMENT,

The 3rd August, 1844.

Mr. J. G. Ross, Deputy Collector under Reg. IX. of 1833, in Zillah Rohtuck, is invested with the powers of a Deputy Magistrate under the provisions of Section IV. Act No. XV. of 1843.

A. SHAKESPEAR,
Assist. Secy. to the Govt. N. W. P.

Notification,

GENERAL DEPARTMENT,

The 11th September, 1844.

Under the orders of the Supreme Government, Jailors are authorized to be included in the List of Public Servants entitled by the existing Pension Rules to a Superannuation Pension.

Published by order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

FINANCIAL DEPARTMENT,

The 11th September, 1844.

The following Rules, regarding the grant of Leave of Absence to Sub-Assistant Surgeons in the North Western Provinces are published for general information:—

1. Leave of Absence will be given to Sub-Assistant Surgeons under the same rules as are applicable to uncovenanted officers in the Judicial and Revenue Departments, as prescribed by the orders of Government, dated 29th January, 1833.
2. Sub-Assistant Surgeons requiring Leave of Absence must address their applications to the Civil Surgeon of the station, who will submit the same for the orders of Government; but a Sub-Assistant Surgeon at an out-station, where no European Medical Officer resides, will submit his application for leave to the Magistrate, and that officer will forward it to Government for orders, together with a proposition for the discharge of the duties of the applicant during his absence.

J. THORNTON,
Secy. to Govt. N. W. P.

Notification,

FINANCIAL DEPARTMENT,

The 27th September, 1844.

The following Extract from a Resolution passed by the Right Hon'ble the Governor General in Council, under date the 30th August, 1844, is published for general information:

The Governor General in Council accordingly resolves, that under no circumstances shall personal allowances be taken into calculation in determining the rate of pension issuable under the Pension Rules, and that personal allowances granted for the performances of active duty shall, on no consideration, be continued to any Servant of the Government after that active duty shall cease to be performed, or shall not be efficiently performable by the party paid for executing it.

By order of the Hon'ble the Lieut. Governor of the North Western Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

JUDICIAL DEPARTMENT,

The 27 September, 1844.

The Honorable the Lieut. Governor is pleased, under the authority conferred by Act XV. of 1843, to appoint the Sudder Ameen stationed at Pillibheet to be Deputy Magistrate at that station with the powers exercised by covenanted Assistants to Magistrates under Regulation IX. of 1807.

J. THORNTON,
Secy. to Govt. N. W. P.

JUDICIAL AND REVENUE DEPARTMENT,

The 18th October, 1844.

Mr. J. Walker, Deputy Collector under Regulation IX. of 1833, at Mirzapore, to be Deputy Magistrate under the provisions of Section IV. Act XV. of 1843 in that District, and to exercise the powers described in Clause III. Section II. Regulation III. of 1821.

J. THORNTON,
Secy. to Govt. N. W. P.

JUDICIAL DEPARTMENT,

The 19th October, 1844.

The Lieutenant Governor is pleased to resolve that in all future vacancies, the Principal Sudder Ameen be appointed to fill the post of Register of Deeds, whenever an Officer of that designation resides at the Sudder Station of the District. Whenever there is no Principal Sudder Ameen, the Judge within whose jurisdiction the Sudder Station may lie, will report, through the Sudder Dewanny Adawlut, for the approval

of Government, the name of the person whom he thinks best qualified, from his attainments and position, to perform the duties with advantage to the public interests.

The Principal Sudder Ameen at Banda is appointed Register of Deeds at that Station.

J. THORNTON,
Secy. to Govt. N. W. P.

Appointment.

JUDICIAL AND REVENUE DEPARTMENT,

The 9th January, 1844.

Mr. J. E. L. Brandreth, Assistant to the Magistrate and Collector of Benares, is invested with the special powers described in Section II. Regulation III. of 1821.

J. THORNTON,
Secy. to Govt. N. W. P.

Appointment,

JUDICIAL DEPARTMENT,

The 7th June, 1844.

Brevet Major E. R. Mainwarring, Superintendent of Sudder Bazar and Cantonment Police at Cawnpore, is vested with the powers of Joint Magistrate at that Station.

J. THORNTON,
Secy. to Govt. N. W. P.

GENERAL DEPARTMENT.

The 17th July, 1844.

The Circular letter published in the *Agra Gazette,* of the 27th July, 1841, enjoining Public Functionaries to submit references connected with their allowances through the Civil Auditor not having been generally attended to, the same is directed to be republished for general information.

CIRCULAR.

To Commissioners and others.

Great inconvenience and delay having been experienced by officers referring direct to Government questions connected with their allowances, I am directed by the Right Hon'ble the Governor General to communicate, for your information, and that of the officers subordinate to you, that such questions are, in future, to be submitted, for the consideration of Government, through the Civil Auditor for the North

Western Provinces, through whom, in like manner, the decision of Government will be communicated to the parties concerned.

(Signed) J. DAVIDSON,
Offg. Secy. to the Gov. Gen.

Camp, Bijowlee, Judl. Rev. and Gen. Depts. January, 18th, 1840.

Republished by order of the Honorable the Lieutenant Governor, North Western Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

FINANCIAL DEPARTMENT.

The 4th November, 1844.

Rule in regard to allowances to Civil Assistant Surgeons while on professional visits to out-stations.

Civil Assistant Surgeons in the North Western Provinces are required to visit out-stations four times in the year, and are authorized to draw a travelling allowance of 8 annas per mile, and a deputation allowance of 5 Rupees per diem for the period of their absence from their own station. The period of absence allowed will be one day for each journey not exceeding 40 miles, both going and returning, and at the same rate for longer journies, together with one week for remaining at the out-station visited. Extra visits above the four now determined on will require the special sanction of Government. The charge at the above rate is to be included in the Magistrate's Contingent Bill. The nearest Assistant Surgeons will be considered liable to be called upon.

J. THORNTON,
Secy. to Govt. N. W. P.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

(No. 2182.)

To the Civil Judges in the North Western Provinces.

A recent examination of the records of suits adjudicated and depending in the Judicial tribunals of various Districts, as well as a careful consideration of the explanatory remarks appended to the quarterly statements conformably to Circular Order, Sudder Dewanny Adawlut, No. 518, dated 24th March, 1841, lead the Court to believe that the appearance of regular suits and miscellaneous cases on the file, after the lapse of one year from the date of institution, are attributable to delays, which methodical regularity in preparing them for decision might obviate; with a view to prevent such delays, and expedite the transaction of Civil business, as far as may be practicable, consistently with a just regard to the requirements of Law, the following rules are promulgated for the guidance of the Civil Judges and their subordinates.

2. *Firstly*—No order for the filing of pleadings or presentation of exhibits, for the issue of legal process, whether of notice to the Defendant, or proclamation, or subpœna for the attendance of Witnesses, or for production of papers from the record, shall be passed without the simultaneous assignment of a specified period for its fulfilment; provided, of course, that the order, whatever its object and purport, be susceptible of execution within a given period; and provided, that by existing enactments, no fixed period is allowed for such execution.

Secondly.—To the record of every pending suit or miscellaneous case shall be prefixed a fly-leaf, on which shall be inscribed the title of every paper filed, in the order of its presentation relatively to dates, with the date of such presentation and of the order recorded, and a specification of the period which may have been allowed for the fulfilment of that order.

Thirdly.—On the expiry of that period without execution of the order to which it relates having taken place, it shall be the duty of the Serishtadar, or other ministerial officer, to bring the fact to the notice of the presiding authority, and to lay the record of the case before him, for such instructions as he may be pleased to issue.

3. A strict adherence to these rules will have a beneficial effect, it is believed, in bringing to light default or neglect on the part of suitors by reference simply to one paper, and will thus afford easy and efficient means of counteracting their habitual and

constitutional dilatoriness while at the same time it will enable the Judicial authorities to discover at once, and reprehend, irregularity and want of method on the part of their subordinates. The controlling power of the Civil Judges over the Moonsiffs and other functionaries subject to their supervision, will be similarly enlarged, and its exercise facilitated: for, should undue protraction of any suit or miscellaneous case be apprehended, he may, by requiring a copy of the fly-leaf and examining it, ascertain how the delay has occurred, and to whom it is to be ascribed.

4. The Judicial agency now employed is large, and is believed to be composed, generally, of men well educated, intelligent and efficient, and the Court are of opinion that, except under very peculiar circumstances, no suit should remain undetermined twelve months from the date of its institution, and but few should appear on the file after the expiry of six months; to this point, therefore, the Court will in future specially refer, as an indication of the degree of diligence and judicial ability brought into exercise in the conduct of the Civil administration of each District.

5. As connected with this subject, the Court take the opportunity of adverting to complaints which have been preferred to them by various Uncovenanted Judicial Officers with whom they have communicated, of the indolence and inattention of the pleaders practising in their Courts, and of their inability, without the aid of superior authority, to control them: the Court direct, that the several Judicial authorities be careful in future to note instances of misconduct on their occurrence, and, if so frequently repeated as to impede the transaction of business, to punish the offending parties by dismissal from office, or otherwise, as the occasion may seem to demand.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 16th December, 1843.

ABSTRACT.

Promulgates Rules for the observance of the Civil Courts, with a view to the prevention of delay in the preparation of regular suits and miscellaneous cases, and to its easy and immediate detection.

(No. 2232.)

To the Civil and Criminal Authorities in the North-Western Provinces.

The subjoined Circular of the Supreme Government is circulated for general observance.

G. F. EDMONSTONE,
Offg. Register.

Agra, 30th December, 1843.

ABSTRACT.

Instructions for rendering official communications intelligible in themselves without reference to other documents.

(No. 999.)

Dated 28th October, 1843.

To ——————————

FOREIGN DEPARTMENT.

The Governor General in Council directs, that hereafter all servants of the Government, who may have occasion to refer in their letters to any numbered paragraphs

of letters received, will in the margin state briefly the substance of the several paragraphs to which they so refer.

2. Every letter should, as far as possible, be made intelligible in itself, without reference to any other document for the elucidation of its meaning, and great inconvenience to the Public Service, besides that of delay, may occasionally arise from the letter containing the paragraphs referred to, not being within the reach of the person to whom the letter making such reference is addressed.

(Signed) W. EDWARDS,
Under Secy. to the Govt. of India.

(True Copy.)

G. F. EDMONSTONE,
Offg. Register.

(No. 17½.)

To the Civil Authorities in the North Western Provinces.

The Court request that in the quarterly returns of unexecuted decrees of the superior Courts, prescribed by Circular Order, No. 147, of the 7th May, 1841, the amount to be realized in cases of money decrees be always specified in column 5; and a memorandum given in column 6, to the following effect:

	Rs.
Balance of last quarter, ...	——
Amount realized in the present quarter, ...	——

G. F. EDMONSTONE,
Offg. Register.

Agra, the 6th January, 1844.

ABSTRACT.

Requesting them to specify in column 5 of their Quarterly Returns of unexecuted decrees of superior Courts, the amount to be realized in cases of money decrees.

(No. 306.)

To the Civil Authorities in the North Western Provinces.

In pursuance of instructions received from the Government of the North Western Provinces, the Court of Sudder Dewanny Adawlut are pleased to prohibit any Treasurer, attached to a Zillah or City Court, advancing money, on any pretext whatever, to any uncovenanted Judicial functionary subordinate to the authority of such Court, and to declare, that contravention of the prohibition will be held to render both lender and borrower subject to forfeiture of office.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 10th February, 1844.

ABSTRACT.

Prohibiting Treasurers attached to Zillah or City Courts from advancing money to uncovenanted Judicial Officers subordinate to the authority of such Courts.

(No. 312.)

To the several Civil Judges in the North Western Provinces.

The Court, having observed much diversity of practice in the distribution of assets among several Decree-holders under the rule prescribed by Constructions of the Sudder Dewanny Adawlut, Nos. 935 and 1056, are disposed to attribute it principally to a misunderstanding of the term "Process of Attachment," therein occurring and are pleased accordingly, to promulgate, for general information and observance, the result of a correspondence, which has lately passed between the two Courts of Sudder Dewanny Adawlut on the subject.

2. It has been ruled, that "the process of attachment" referred to in the constructions cited, is the process issued by any *Judicial* Authority, for attachment of property, on the application of any Decree-holder suing out execution of his Decree, and that all Decree-holders, who may have procured the issue of such order, prior to the distribution of assets realised by a sale of property, made in execution of a former order are entitled to a rateable share in those assets.

3. The distribution, however, of assets realized by sale of property, is directed by Circular Order Sudder Dewanny Adawlut, No. 1, dated 6th June, 1828, to be held in abeyance until the period allowed by Clause 3, Section 3, and Clause 1, Section 5, Regulation VII. of 1825, for preferring objections to the sale with a view to its annulment, shall have expired, and is further liable to other impediments, which it is frequently impossible to foresee or prevent. With the object, therefore, of obviating the embarrassment too often occasioned by the multitude of claimants, who are by the present system encouraged to come forward, the Court direct that thirty days after the sale has been holden, award of distribution, in regard to the claims of all Decree-holders theretofore admitted, (without reference to the possibility, or otherwise, of giving immediate effect to such award,) shall invariably issue, and that on the finality of the sale, the assets in deposit shall be distributed in accordance therewith. Subsequent to the declaration of the "award of distribution," no claims to participation in the proceeds of sale, shall be received.

4. The Civil Judges will be careful to see that their subordinates fully understand the purport of these instructions, and strictly adhere to them in practice.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 15th February, 1844.

ABSTRACT.

Promulgates the signification of the term "process of attachment," used in Constructions, Nos. 935 and 1056, and prescribes rule to be observed in the distribution of assets.

(No. 542.)

To the Civil and Criminal Authorities in the North Western Provinces.

To secure uniformity of practice regarding the mode of calculating the period within which an appeal should be lodged or any official act done, the Court desire it to be understood that when the period consists of days or weeks, the full number of days or weeks mentioned in the order should be allowed, exclusive of the day on which the order is passed; and that when a month or a year is mentioned, the month or the

year should be reckoned according to the English Calendar, that is to say, the month should not be invariably reckoned at 30 days, and the year should comprise twelve English calendar months.

G. F. EDMONSTONE,
Register.

ABSTRACT.

Prescribes Rules regarding the mode of calculating the period within which an Appeal should be lodged or any official act done.

(No. 692.)

To the Civil Judges in the North Western Provinces.

The Court direct, that the Civil Judges in submitting applications from the subordinate Judicial Functionaries for leave of absence, do invariably state the interval, that may have elapsed since the applicant was last absent from his post, with a view of enabling the Court to judge of his claim to the solicited indulgence.

G. F. EDMONSTONE,
Agra, the 22nd April, 1844. *Offg. Register.*

ABSTRACT.

In submitting applications from subordinate Judicial Functionaries for leave of absence Civil Judges are to state the interval that may have elapsed since the applicant was last absent from his post.

(No. 713.)

To the Civil Judges in the North Western Provinces.

The Court, having had under consideration returns to their Circular Order, No. 492, dated 10th March, 1843, and published in the *Agra Government Gazette* of 28th Idem, calling for information regarding the practice, observed by the several Subordinate Courts in transmitting the records of monthly decisions to the Sudder Station, are pleased, with the sanction of Government, to issue the following instructions for general observance.

2. By Clause 8, Section 10, Regulation XX. of 1817, Police Daroghas are required to forward by the Thannah Dawk or by their Burkundauzes, "*as occasions may offer*" papers sent to them by the Subordinate Civil Judges for that purpose; on the other hand, the transmission of the records of monthly decisions is directed to be *periodically* made, and cannot, if the rules prescribed by Circular Order, Sudder Dewanny Adawut, No. 49, dated 20th September, 1839, are to be enforced, be allowed to depend on the *occasional* opportunity, which a Police Darogha may think fit, either to improve, or, on the other hand, to leave unheeded; independently of this, the Court observe, the increased bulk of the records of the Subordinate Tribunals, arising from the enlargement of their powers, and the consequent accession of judicial business before them, opposes a serious obstacle to the employment of the Thannah Dawk, as a means of conveying them to the Sudder Station.

3. The Court however, adverting to the occurrence which gave occasion for the Circular Order of this Court, dated 10th March, 1843, are not disposed to dispense with the attendance of a Police Burkundauze, which is authorised by Law and affords some security for the safe arrival of papers in transit, and they are pleased accordingly, with the permission of Government, to direct, that the Subordinate Judicial Officers forward the records of monthly decisions by a specified date, to the nearest Thannah, for transmission to the Sudder Station, taking a receipt from the Darogha, or in his absence, from the head Officer present, at the Thannah. It shall be the duty of the Police Darogha to dispatch the papers in question, without delay, to the Sudder Station, under charge of a Burkundauze, indenting on the Magistrate for the expense incurred in their conveyance and submitting to the Judge a duplicate of the account for his information, the items of expense thus incurred will be charged in the monthly Contingent Bills of the Magistrate's Office.

4. The Judges are requested to determine the period, within which each Moonsiff shall be required to have his records of monthly decisions delivered to the Police Darogha, with due advertence to the necessity of enforcing the provisions of Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September, 1839, and with reference to the distance of each receiving Thannah from the Sudder Station.

G. F. EDMONSTONE,

Agra, the 23rd April, 1844. *Register.*

ABSTRACT.

Prescribes rules for the transmission of the records of monthly decisions, by the Subordinate Judicial Officers to the Sudder Station.

(No. 714.)

To the Civil Judges in the North Western Provinces.

The following error detected in the Persian translation of Section 73, Regulation XXIII. of 1814, is notified by order of the Sudder Dewanny Adawlut, North Western Provinces, for the information of the Judicial Authorities in the North Western Provinces.

2. By the Section above cited, certain provisions of the same Regulation are "declared to be equally applicable to original suits referred to Sudder Ameens, as to those tried by Moonsiffs." Among these Section 45, though not included in the English enumeration, has been erroneously entered in the Persian translation of the 73rd Section.

3. Clause 5, Regulation XXVI. of 1814, which prescribes specific rules for the execution of decrees passed by Sudder Ameens, attests the correctness of the English version, with which the Persian edition should be made to correspond by the erasure of the erroneous entry in the copies furnished for the use of the Zillah and City Courts in the North Western Provinces.

G. F. EDMONSTONE,

Agra, the 29th April, 1844. *Register.*

ABSTRACT.

Notification, corrective of an error in the Persian translation of Section 73, Regulation XXIII. of 1814.

(No. 745.)

To the several Civil Judges in the North Western Provinces.

The Court are pleased to promulgate Extract (Paragraphs 13 and 14) of a Report submitted by the Judge of Furruckabad on the Administration of Civil Justice during 1843, and request that if, on enquiry, irregularities similar to those described, be found to prevail in other Districts, the Judges will take immediate measures for their correction.

2. The Court take this opportunity of giving publicity to the 15th Paragraph of the same Report, and recommending the practice there described to the attention of the Judges, generally: it appears well calculated to facilitate supervision, and to operate as a salutary check on the tendency to irregularity, too often apparent on the part of the Subordinate Judicial Functionaries.

G. F. EDMONSTONE,
Register.

Agra, the 2nd May, 1844.

ABSTRACT.

Promulgates Extract Paragraphs 13 and 14 of Report from Judge of Furruckabad, on Civil Justice for 1843, and request correction of irregularity described, if existent, in other Districts:—Also Extract Paragraph 15 from the same Report, and recommends the practice described to the attention of Judges generally.

Extract Paragraphs 13, 14, *and* 15, *from the Annual Report on the Administration of Civil Justice for the year* 1843, *for Zillah Furruckabad.*

13. Some irregularity still prevails in the Lower Courts here, as to the mode of summoning witnesses, and paying Tulabana. Most Native Judges (the Principal Sudder Ameen of this district included) seem to think that a witness who has received a formal notice to attend at Court, *must accompany* the Peon, who has served the notice, on his return, and remain under his surveillance until his evidence is taken; the said Peon receiving Tulabana all the while. I have, however, reminded those under my charge, that such a proceeding is wrong, and certainly unwarranted by any Law, Rule, or Regulation: that the duty of the Peon must be entirely confined to the serving of the notice on the party summoned, leaving him to find his own way to Court; and that the Peon can receive only so much Tulabana as is fixed for the particular Village in which he served the notice.

14. I have observed, and corrected, several irregularities in the way in which notices are served on parties to suits, such for instance, as, the careless way in which, when it has been found necessary to Ishtehar several defendants who were concerned in the same suit, a single paper containing the prescribed notice has been considered sufficient for the whole, and this, although the defendants lived in separate houses, sometimes in different Villages. The returns to such Ishtehar have been made in similarly loose way, the returning Officer merely stating, that all the defendants (without specifying any) have been made aware of it. Sufficient attention has not been paid to the respectability of witnesses, who have been called on to testify to the serving of notices. By Section 19, Regulation XXIII. 1844, these are required to be the heads of the Village; the general practice is to take them from the very dregs. All these (and many others which I have neither time nor space to mention) are points, which however trifling they may appear

in themselves, are really of very considerable importance as regards the adjudication of property, on exparte evidence. It appears to me, indeed, that too much stress cannot be laid upon the details of practice, which shall secure to the defendant the *certainty* of knowledge, that a suit has been instituted against him, and which shall surely give him the opportunity of coming forward to defend it.

15. I may here state, that I have found it a useful practice to have by me in Court, a Note Book, into which, as the various cases come before me, are entered whatever irregularities I observe in the proceedings of the Lower Courts, either with regard to the payment or receipt of Tulabana, the summoning of witnesses, the issuing of notices, or other matters of practice that have been irregularly conducted. Having first intimated the existence of such a record to my several subordinates, with the exception of the Principal Sudder Ameen (who is under the Joint supervision of the Sudder and myself) I have found their anxiety to escape unfavorable notice in it, productive of the best effect.

(True Extract.)

G. F. EDMONSTONE,
Register.

(No. 746.)

To the several Civil Judges in the North Western Provinces.

It has been brought to the notice of the Court, that difficulty is occasionally experienced in the matter of fines levied under the provisions of Act XXX. of 1841, which fines, having been paid on the spot, have been as immediately sent to the Collector and credited to Government: the difficulty has been occasioned by the liability to reversal, on appeal, of orders passed by the Moonsiffs under the Act in question, and the impossibility, in the event of such reversal, of refunding the amount of the fine without the submission of a formal application, and the obtainment of the authority of Government, for repayment.

2. In order to remove this inconvenience, and to remedy the hardships resulting from delay, the Court are pleased to direct, that all fines adjudged by the Civil Courts agreeably to the provisions of Act XXX. of 1841, and immediately realized on demand, shall be received in deposit in the Judicial Treasury, until a period of six weeks from the date of the order imposing the penalty shall have elapsed.

G. F. EDMONSTONE,
Register.

Agra, the 2nd May, 1844.

ABSTRACT.

Directs that fines levied under Act XXX. of 1841, and paid on the spot, shall be reserved in deposit in the Judicial Treasury, until 6 weeks from date of order shall have elapsed.

(No. 759.)

To the Civil Judges in the North Western Provinces.

In some of the districts subject to the Jurisdiction of this Court, an erroneous practice has been found to prevail in the preparation of the Quarterly Reports of

Requisitions to Collectors, relating to execution of decrees, and correspondence has recently passed with the Sudder Board of Revenue, N. W. Provinces, having for its object the correction of the practice; with the concurrence of that Authority, the subjoined remarks and instructions are promulgated for general information and observance.

2. On the first institution of this periodical Report, it was obviously the intention * of Government, and of the Sudder Dewanny Adawlut, acting agreeably to instructions received from the Government, that the reasons for delay in the execution of Decrees referred to them for that purpose, should be recorded by the Collectors themselves in the fourth column of the prescribed statement; but in the course of time deviations from this practice have been permitted, (or possibly the rule may have been misunderstood,) and in many districts it has been usual for the Judicial Authorities to excerpt, from the vernacular record of each case, a detail of the proceedings held by the Collector to carry out the injunctions of the Civil Courts, and to give insertion to that detail, or recital in the fourth column of the statement. The consequence has been the detection of numerous inaccuracies in this section of the Return, and the unmerited ascription, in many instances, of remissness to the Revenue Authorities, who, on further reference have been able to render satisfactory explanation of the delay or neglect imputed to them. It being essential that all misunderstanding on this subject should be removed, and the errors, found to have existence, corrected, the Court are pleased to issue the following instructions for general adoption.

* Vide Para. 6 of a letter from the Secy. to Govt. in the Judicial Department, dated 21st July, 1834, appended to Circular Order Sudder Dewanny Adawlut, No. 127, dated 12th December, 1834.

3. The Judges will be pleased to observe, that the first three columns of the Statement * exhibit the names of the parties, the date of application to the Revenue Authorities for aid in execution, and the purport of the application, while the fourth is appropriated to a specification of the proceedings held by the Collector to carry the Decree into execution and the adduction of reasons for failure to complete it within the quarter embraced in the Statements; the duty of filling up this Column properly devolves upon the Collector, and the Court are pleased, with the consent of the Sudder Board of Revenue, N. W. P. to direct, that the Judges in the N. W. P. shall send the Statement, for the purpose indicated, to the Collector of the District or Districts composing their jurisdiction, within 15 days from the expiry of each quarter, after inserting therein the particulars, which the first three Columns are designed to represent: the Collectors will receive instructions, from the Sudder Board of Revenue to fill up the fourth Column in the manner above mentioned, and after countersigning the Statement, in attestation of the correctness of their recital, to return it to the Judge, for an expression of his opinion of the reasons assigned for non-execution, within a similar period of 15 days, calculated from the date of its receipt. It will behove the Judges, on the return of the Statement, to proceed as directed by Circular Order, Sudder Dewanny Adawlut, No. 817, dated 1st May, 1843.

* Vide Statement B. appended to Circular Order, Sudder Dewanny Adawlut, No. 127, dated 12th December, 1834.

4. It may not be irrelevant to observe, in conclusion, that the utility of this Report may be completely negatived by a want of punctuality in its submission, and that ordinarily it should be in the possession of the Court by the dates specified in the Margin.

* Report for first quarter	10th	May.
Ditto for second ditto	10th	Augt.
Ditto for third ditto	10th	Novr.
Ditto for fourth ditto	10th	Feby.

5. The first report under these orders will be made for the quarter ending 30th June, 1844.

G. F. EDMONSTONE,

Agra, the 2nd May, 1844. *Register.*

ABSTRACT.

Prescribes, with the concurrence of the Sudder Board of Revenue, North Western Provinces, certain rules for the preparation of the Quarterly Reports of Requisitions to Collector relating to execution of Decrees, and directs their observance from and after the 30th June, 1844.

(No. 796.)

To the several Zillah and City Judges in the North Western Provinces.

It appears desirable to the Court to receive information regarding the cost of the subordinate Judicial Establishments in the North Western Provinces, and the extent to which it is counterbalanced by the Revenue realized by the sale of stamp paper.

2. The Judges are therefore requested to submit a comparative statement, in the form annexed, for the past year, exhibiting the particulars above denoted relatively to each Moonsiff's Court, and invariably to include the same in their future Annual Reports on the Administration of Civil Justice.

G. F. EDMONSTONE,

Agra, the 4th May, 1844. *Register.*

Name of Moonsiffee.	Cost of Establishment including Moonsiff's salary.	Amount realized by Sale of Stamps.

ABSTRACT.

Calls for a comparative Statement of cost, of each Moonsiffee Establishment and the amount realized by Sale of Stamps during past year.

(No. 951.)

To the Civil Judges in the North Western Provinces.

Act No. IX. of 1844, having declared that, all suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in

the Courts of those Officers, it becomes necessary to throw open Column 3 of the Civil Statement, No. 1, parts 1 and 2, for the exhibition of such cases. The Civil Judges are accordingly directed to erase the Asterisks, which appear in Column 3 of the above mentioned forms, opposite to the Heading of Original Suits in the Courts of the Principal Sudder Ameen and Sudder Ameen.

G. F. EDMONSTONE,

Agra, the 25th May, 1844. *Register.*

ABSTRACT.

Directs certain alteration in form of Civil Statement, No. 1.

(No. 1097.)

To the several Civil Judges in the North Western Provinces.

It being believed, that, under a misapprehension of Section 11, Regulation VII. of 1832, Moonsiffs are commonly in the habit of issuing seperate process for the realization of Vakeels' Fees, not exceeding in amount the proportion of 5 per cent on the value of the claim adjudicated, the Court of Sudder Dewanny Adawlut for the North Western Provinces, intimate, that such a procedure is unauthorized by existing Law, and is to be considered by the Courts strictly prohibited for the future.

2. The Court observe, that the terms of the enactment above cited, taken in connection with the provisions of Clause 4, Section 15, Regulation XXIII. of 1814, merely authorize the inclusion of Fees awarded, in the final judgment, and their realization simultaneously with its execution; or, in other words, that the realization of Vakeels' Fees, as adjudged by Moonsiffs, must form part and parcel of the process of execution, except in cases, wherein the claim may be dismissed, and the Defendant may move the Court for the recovery of his costs.

3. The Civil Judges are directed to ascertain, that the purport of this order is rightly understood by the Courts, to which it has particular application, and to enforce conformity to the practice, which it inculcates, in future.

G. F. EDMONSTONE,

Agra, the 18th June, 1844. *Register.*

ABSTRACT.

Corrects misapprehension of Section 11, Reg. VII. of 1832, on part of Moonsiffs, in issuing separate process for the realization of Vakeels' Fees, not exceeding in amount the proportion of 5 per cent on the value of the claim adjudicated.

(No. 1112.)

To the Civil Judges in the North Western Provinces.

The requisition of Security for Costs in Appeals from decisions of the Sudder Ameen's Courts, is understood to exert a prejudicial influence on the interests of Suitors, inasmuch, as failure to produce such Security, and to procure the required certification of its validity and sufficiency within the period of 6 weeks, renders an Appeal liable to dismissal on default under the provisions of Act XXIX. of 1841, provided, that the Appellant shall not, on special application, have *previously* satisfied the Court of the propriety of allowing further time; and though, in the present state of the Law, the said requisition cannot be dispensed with, the Court conceive, that facilities

for the fulfilment of the precautional condition may be devised, which will effectually obviate the detrimental effects, resulting from the practice, now generally prevalent, of requiring the pignoration of landed property.

2. The Court are accordingly pleased to direct, that, on the admission of Appeals from the decisions of the Sudder Ameen's Courts, the Judges will invariably, on a rough calculation of the probable Costs incurrible in Appeal, specify the *amount* of Security demanded, and give to the Appellant the option of depositing, in the Judicial Treasury, cash to that amount which will be liable to refund, or available for liquidation of Costs, according to the manner, in which the Appeal may terminate—the Judges will also exercise their discretion in accepting the Security of real property of any description, provided that its validity, and sufficiency, relatively to the specified amount of Security required, be duly certified.

3. The preceding Rules are to be considered equally applicable to Appeals from decisions passed by Principal Sudder Ameens in Suits, affecting property, varying in value from Rupees 300 to 5000.

G. F. EDMONSTONE,
Register.

Agra, the 19th June, 1844.

ABSTRACT.

Prescribes Rules for the guidance of Civil Judges, in the matter of requisition of security for Costs in Appeals from decisions of Sudder Ameen's Courts.

(No. 1288.)

To the Civil Judges and Registers of Deeds to the North Western Provinces.

The enactment of Act XIX. of 1843, having greatly increased the importance of providing for the punctual and correct registration of Deeds, the Government have been pleased to direct, that offices for that purpose shall be established at every Civil Station, in accordance with Section 2, Act XXX. of 1838, and that detailed instructions for the guidance of those, who may be entrusted with the duty, shall be drawn out, and promulgated in the *Government Gazette.*

2. Accordingly, the subjoined rules, embodying those provisions of Law, and those authoritative orders which seem to require denotation, are published with the sanction of Government, for the information of Civil Judges, and for the guidance of of Registers of Deeds.

3. It may be advisable to point out the several Regulations, prescribing Rules for the Registry of Deeds, and in the succeeding Paragraphs to indicate those provisions, which call for the particular attention of those, to whom the duty may be confided; these are Regulations XVII. of 1803, extended to the conquered provinces by Clause 1, Section 17, Regulation VIII. of 1405; Regulation XX. of 1812; Regulation IV. of 1824; Act XXX. of 1838, and Act XIX. of 1843.

4. By Section 3, Regulation XVII. of 1803, and Sections 3 and 5, Regulation XX. of 1812, Registers are required to register memorials of the following Deeds.

1stly. Deeds of sale, or gift, of lands, houses, and other real property.

2ndly. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

3rdly. Leases and limited assignments of land, houses, and other real property, including generally, all conveyances used for the temporary transfer of real property.

4thly. Wuscatnamehs, or wills.

5thly. Written authorities from husbands to their wives to adopt sons, after their [the husband's] demise.

6thly. Engagements contracted by Indigo planters, whether Europeans or natives, with ryots and others, for the delivery of Indigo plant.

7thly. Bonds, promissory notes, and generally, all obligations for the payment of money, held by Construction No. 1270 to include security bonds for the eventual payment of costs of suits. It is enacted by Clause 1, Section 8, Regulation XVII. of 1803, and Section 7, Regulation XX. of 1812, that each species of Deed shall be registered in a separate book, which shall be uniformly made of English paper, and *carefully* bound, and by the latter Regulation and Section, Registers are expressly prohibited from admitting to registry any Deeds, except those above specified. Each leaf of every Register Book, is required by Section 8, Regulation XX. of 1812, to be paged, and every deed entered in such books, must be numbered in an annual series; and the date of the month and the year, as well as the time of day, when Registry may have been effected, must be noted in the book, in which the said deed may be registered.

5. The Court before detailing the forms to be observed in the registry of deeds, desire to remind Registers, that they are required by Section 10, of the last cited Regulation, not only to preserve, carefully, all powers of attorney produced by parties, attending on the part of others to procure deeds to be registered, but to cause copies of all such documents to be regularly transcribed in a *separate* book, which must be kept for that purpose: this injunction is reiterated in a Construction of Sudder Dewanny Adawlut, No. 732, dated 9th November, 1832.

6. It is also deemed expedient to advert to the provisions of Section 7, Regulation XVII. of 1803, which enacts, that the registry of all deeds shall be made in the Register's office of the Zillah in which the property effected by them may be situated, and to Construction, Sudder Dewanny Adawlut, No. 1015, dated 17th June, 1836, which rules that the registry of a deed in any other District, than that in which the land is situated, must be regarded as inofficial, and as depriving the said deed of the advantages, conferred by existing Regulations and Acts on registered deeds.

7. The Court proceed to point out the rules prescribed for the registry of deeds, merely observing that the forms established by Regulation XVII. of 1803, having been found to involve delay and inconvenience, have undergone modification by the enactment of Regulation XX. of 1812.

1stly. It is incumbent on all Registers of deeds to attend daily at Office, during certain specified hours, for the dispatch of all business appertaining thereto, and, after having determined the hours of such attendance, to affix a written notice thereof, in some conspicuous part of their offices, for general information.

Clause 1. Section 2, Regulation XX. of 1812.

2ndly. The Registers of Deeds will restrict themselves to the ascertainment of the fact, that the deed presented for registry, has been actually and duly executed by the parties thereto; with this view, before admitting any deed to registry, the Register will require the attendance, at his office, of the person desirous of procuring registration of any deed, or his authorized representative, together with the original deed and an exact copy thereof, "attested by one at least of the parties to the instrument, and by one of the witnesses to the execution of it." The Register on having ascertained by the evidence on oath of one or more witnesses to the execution, that the deed has been duly executed, should satisfy himself that the copy corresponds precisely with the original, and should reject any transcripts, in which interpolations, interlineations or erasures, may be apparent, refusing registry, until a fair legible copy be presented. This will

entail no expense on parties, as it has been declared, by Construction No. 119, dated 28th January, 1813, that copies of deeds, brought for registry, being intended only for record, should be admitted to be drawn out on plain paper.

3rdly. It will not escape the observation of Registers of Deeds that, agreeably to Clause 1, Section 5, Regulation XX. of 1812, bonds, promissory notes, and other obligations for the payment of money can be registered only on the application of the party by whom they may have been executed.

Clauses 1 & 2, Section 2, Regulation XX. of 1812.

4thly. The Register having noted on the back of the copy, presented and compared as above, the date and the hour of the day, on which it was brought for the purpose of being registered, and having caused it to be filed according to the order of time, in which it may have been received, must have it entered in the Register Book, in the same order, and on completion of the entry in the manner stated, is required to return the original deed to the person, from whom it may have been received, with a certificate under his signature endorsed on the deed, specifying the date and the hour, on which it was registered, and the page, on which it is entered in the Register Book.

5thly. By Clauses 4 and 5 of the same Section and Regulation, Registers are bound, on application being made to them, to allow parties to inspect the copies of deeds attested, endorsed and filed, as above, as well as the Register Books, and to grant copies of all deeds registered by them to those whom they may concern. Directions regarding the value of stamp paper, on which such copies should be engrossed will be found in a Construction of the Sudder Dewanny Adawlut, No. 428, dated 4th August, 1826, and Regulation X. of 1829, Schedule A, Articles 20—23 and Schedule B, Article 3.

8. The remuneration, to which Registers of Deeds are declared by Section 4, Regulation XX. of 1812, to be entitled, is as follows:

1stly. A fee of Two Rupees for every engagement or deed registered by them, to be paid by the party causing the same to be registered.

2ndly. A fee of One Rupee for every copy furnished of a deed registered by him, to be paid by the applicant for the said copy.

3rdly. A fee of Half a Rupee for every search made on an inspection of the Register Books, to be paid by the party inspecting the same. And until these fees be paid, they are authorized to refuse the Official acts required from them.

9. A preferential right having been declared by Section 2, Act XIX. of 1843, to attach to deeds of sale or gift of lands, houses or other real property, as well as deeds of mortgage on lands, and the same descriptions of property, a memorial of which shall have been duly registered according to Law, it is obviously desirable that facilities for such registration, on which the security of property will be greatly dependent, should be multiplied, that the duties of the office should be conducted with the utmost regularity, and with the strictest adherence to the forms, prescribed by the Regulations above recited, and that no interruption to the fulfilment of those duties should be suffered by the temporary absence or incapacity of the Register. By the establishment of a separate office for the Registry of Deeds at every civil station in the North Western Provinces, every facility, that the Law permits, will be afforded, while a due observance of the preceding instructions, which have been advisedly drawn out in greater detail, than may at first sight appear requisite, will secure, it is hoped, the punctual and correct registration of every deed, presented for that purpose: Further, the prevention of the interruptions above alluded to is provided for by Regulation IV. of 1824, which authorizes the Registers of Deeds at Sudder Stations, in cases of temporary incapacity from any cause, or absence from the station to appoint a Deputy, to act for them, having first obtained the sanction of the Judge of the Civil Court, to which they may

be attached, and by Section 6, Act XXX. of 1838, which empowers the Zillah Judges in the like cases of death, absence or temporary incapacity, to appoint any person, whom he may think proper to take temporary charge of the Offices, constituted by the said Act. It is only needful, as regards these provisions, to remark, that at a Sudder Station no other officers than Principal Sudder Ameens, and covenanted servants of Government, among whom Surgeons are declared by Construction No. 611, to be included, are eligible, while at a Station, where no Civil Court is located, the same restriction does not exist; it is the duty of the Judges to see, that every vacancy is filled up under the provisions above recited, and to satisfy themselves, that Registers of Deeds, before entering on the duties of the office, are fully conversant with the Regulations, by which their proceedings must be guided, and with the instructions contained in this Circular Order.

10. As regards Registers of Deeds at the Stations of Zillah and City Courts, an obligation is imposed on the Civil Judges of supervising their conduct, of countersigning the endorsement on the copies of deeds, required by the provisions of Regulation XX. of 1812 to be filed, and the transcripts thereof in the Register books, and of reporting any errors or irregularities, or any deviations from the established regulations, which he may detect in the performance of the duties confided to the officers in question, and the Court expect, that these obligations will in future be punctually fulfilled. This control has been dipensed with, as concerns Registers of Deeds, appointed under Act XXX. of 1838, by Section 4 of that enactment, but the Judges may still, by inspecting the Register books, sent to them for the purpose of being deposited with their records, ascertain whether the duties of the office have been conducted with due regularity and order, and they are hereby required to observe this precaution, reporting for the information of the Court, any illegal or erroneons acts, thereby brought to light.

11. The Court, having reason to believe that the practice of preparing annual Indexes to the Register books, as directed by Section 9, Regulation XX. of 1812, has fallen into disuse, are pleased to direct its immediate revival, and with the view of establishing uniformity of system, to annex two Forms, according to which the Index will be made out. Each of these Indexes will terminate with the year, to each a separate book, made of English paper, paged and carefully bound, must be assigned, and for the entries under each letter one or more leaves must be set apart; the entries should be made at the time of registration, with the utmost accuracy, and the order of the Persian Alphabet may perhaps be more conveniently adopted than any other. It will be incumbent on the Civil Judges to enforce due attention to his provision of the Law in the manner above desired, and to have the Indexes, when delivered over to them at the end of each year, deposited and carefully preserved with the Register books, to which they relate. Index No. 2 being applicable only to the books in which the deeds relating to land and other real property, described in Clauses, 1, 2 and 3, paragraph 4 of this order will be registered, differs slightly in form from the nominal Index No. 1. Such deeds will be entered in both Indexes, while wills and other deeds not relating to real property will appear under their proper heads in Index No. 1 alone.

12. With each Annual Civil Report, Judges will be pleased to submit to the Court a statement shewing the number of deeds and other docunents registered during the year reported on, and to certify examination and countersignature, by themselves, of the several Register books up to the close of the said period.

G. F. EDMONSTONE,
Register.

Agra, the 26th July, 1844.

ABSTRACT.

Promulgates Rules for the information of Civil Judges and for the guidance of Registers of Deeds.

No. 1.

Alphabetical Index of Names of Persons Executing Deeds for 1844.

Names of Persons who executed the Deed.	Name of Father.	Deeds of sale or gift.		Deeds of mortgage on land, &c.		Leases and conveyances for temporary transfer of real property.		Wills.		Authority to adopt.		Contracts for Indigo.		Obligations for payment of money.	
		Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.	Vol.	Page.

G. F. EDMONSTONE,
Register.

No. 2.

Alphabetical Index of property registered for 1844.

Mouzah in which property is situated.	Pergunnah.	Specification of property.	Deeds of sale or gift.		Deeds of mortgage on land &c.		Leases and conveyances for temporary transfer of real property.	
			Vol.	Page.	Vol.	Page.	Vol.	Page.

G. F. EDMONSTONE,
Register.

(No. 1404.)

To the Civil Authorities in the North Western Provinces.

It has been ascertained, that diversity of opinion prevails in regard to the requirements of Act XII. of 1843, and it has been deemed requisite, in consultation with the Sudder Dewanny Adawlut, for the Lower Provinces, to promulgate instructions on the subject for general observance, with a view to secure uniformity of practice.

2. The Courts of Sudder Dewanny Adawlut have ruled, that the terms of the Act in question render it obligatory on Judges of all denominations to record their original decisions and the reasons thereof, in their *own hand writing*, signing them, agreeably to the provisions of the Act, " at the time of pronouncing such decisions" and causing them, to be correctly " translated into the vernacular language commonly used in the Court, wherein the suit to which the Decree or order relates, shall have been instituted;" this injunction, it will be understood, has reference to all the decisions and orders specified in Sections 1 and 3, of the Act respectively.

3. In the North Western Provinces, where the vernacular language, and that used in the subordinate Civil Courts are identical, the translation may of course be dispensed with, but the decision and the reason thereof, drawn out originally in the hand writing of the native Judge should be filed with the record of the suit, to which it relates, and incorporated in the final Decree.

4. The Civil Judges are desired to ascertain, and report after a suitable interval, that these instructions have been practically introduced, issuing such precautional injunctions on the subject, as they may deem fitting.

G. F. EDMONSTONE,

Agra, the 16th August, 1844. *Register.*

ABSTRACT.

Publishes construction of Act XII. of 1843, for the guidance of the Judicial Authorities in the North Western Provinces.

(No. 1453.)

To the Civil Authorities in the North Western Provinces.

By existing instructions, the Judges are required to insert in their Quarterly Reports of requisitions to the Revenue Authorities, relating to execution of Decrees, all applications however recent, the object of which may not have been accomplished before the date of the preparation of the Statement, and in accordance with this rule numerous requisitions, addressed to the Collectors shortly prior to the termination of the quarter, have been wont to be included therein, and have tended to expand the Reports to an inconvenient extend.

2. The object, contemplated by Government in the original institution of this periodical Statement, and by the Court in their subsequent instructions was the provision of a check against neglect and mismanagement, on the part both of the Judicial and Revenue Authorities in the important Department referred to, and the Form of Statement now in use was designed to represent " all particulars really necessary for the information of the controlling Authority," matters not required for that purpose being directed to be carefully excluded therefrom.

3. It has been suggested to the Court, that both time and labor would be economized by dispensing with the inclusion, in this Quarterly Report, of requisitions dispatched from the Civil Courts within two or even three months, antecedent to the termination of the Quarter, and it has been justly argued, that the acts, which the Revenue authorities are required to perform, relating mostly to sales of land, and partition of estates, cannot ordinarily be accomplished within a shorter period than that

specified, and that the object in view will be equally attained, if the Statement is so prepared, as to exhibit only those cases, which may have been depending for more than two or three months.

4. The Court, acquiescing generally in this opinion, are pleased accordingly to direct, that the principle above explained shall be observed in the preparation of the Quarterly Statements under consideration, and that no other requisitions to the Revenue Authorities, relating to execution of Decree, shall find a place therein, save those, which may have been on the file for more than three months previous to the close of the Quarter; thus, for example, the Report submitted after the end of March, as for the first Quarter, will comprise only cases, which may have been referred to the Collector for aid in execution on dates anterior to the 1st January, and the same rule will of course regulate the compilation of the Reports for the remaining Quarters of each year.

5. If it should so happen, that, at the termination of the Quarter, no requisitions of three months duration await completion, it will be sufficient for the Judge to certify the fact in an English letter for the information of the Court, and under the circumstances supposed such letter will be received in place of the Report hitherto exacted; it will, however, be the duty of the Judges to see that this indulgence is not abused by the Subordinate Judicial Functionaries, and it will depend on the degree of care and attention paid to this branch of their duties, by the Local Authorities, whether the Court maintain the rule now sanctioned, or revert to the former practice.

6. The Reports for the third Quarter of the current year, ending 30th September, will be prepared agreeably to the above instructions.

G. F. EDMONSTONE,

Agra, the 26th August, 1844. *Register.*

ABSTRACT.

Communicating certain instructions regarding the Quarterly Reports of requisitions to the Revenue Authorities.

(No. 1455.)

To the Civil Judges in the North Western Provinces.

With the sanction of Government, the Court of Sudder Dewanny Adawlut, for the North Western Provinces, are pleased to notify, that Law Officers of Zillah Courts will be in future considered eligible to Moonsiffships, and, in cases of peculiar merit, capacity and long previous experience, to the office of Sudder Ameen, without undergoing the ordeal of an examination.

2. The Circular Order of the Sudder Dewanny Adawlut, No. 166, dated 5th February, 1836, is, under the authority of Government so far modified, as to leave the Court at liberty to exercise their discretion in appointing persons, holding the office of Mahomedan Law Officer, to be at the same time Moonsiffs at the Sudder stations of the Zillah Courts, whenever there may be reason to believe that the junction of the two offices will not retard the administration of Civil Justice, or be otherwise prejudicial to the public service. The Court will be guided by the same considerations in recommending to Government, the appointment of Mahomedan Law Officers of the Zillah Courts, to the office of Sudder Ameen.

G. F. EDMONSTONE,

Agra, the 23rd August, 1844. *Register.*

ABSTRACT.

Notifies eligibility of Law Officers of Zillah Courts to Moonsiffships without undergoing examination and in certain cases, to office of Sudder Ameen, and intimates partial modification of Circular Order, No. 166, dated 5th February, 1836.

(No. 1781.)

To the several Civil Judicial Authorities in the North Western Provinces.

It is deemed advisable by the Sudder Dewanny Adawlut for the North Western Provinces, to promulgate for general information and observance, the result of a correspondence, which has recently passed with the Sudder Dewanny Adawlut in Calcutta, regarding the legal competency of Moonsiffs to receive, and determine, suits for the property and possession of lands, held exempt from the payment of Revenue, doubts on that subject, having been engendered by the omission of the Legislature to rescind Clauses 2 and 3, Section 5, Regulation V. of 1831, and to re-enact, in the body of Act VI. of 1843, such portions thereof, and it was intended to place within the competency of Moonsiffs.

2. It has been ruled, with the concurrence of the Sudder Dewanny Adawlut for the Lower Provinces, that, under the terms of Section 8, Act VI. of 1843, suits "for damages on account of alleged personal injuries or for personal damages of whatever kind, and claims to the *proprietary right* in, and *possession* of lands, held exempt from the payment of "Revenue," are legally cognizable and determinable by Moonsiffs, provided that the "restrictions, as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. of 1831," be not transgressed.

3. The Court desire to add, that the arguments, advanced in Circular Order Sudder Dewanny Adawlut, No. 95, dated 30th August, 1833, for excluding from the jurisdiction of Moonsiffs, claims, preferred to the *Revenue* of *Lakhiraj* land under the provisions of Section 30, Regulation II. of 1819, remain unaffected by Act VI. of 1843, and that suits of that nature must be considered, as heretofore, beyond the competency of a Moonsiff to determine.

4. Construction No. 825, must be regarded as superseded, and No. 950, as modified by this Circular Order, and the enactment, which it is intended to elucidate.

G. F. EDMONSTONE,
Register.

Agra, the 8th October, 1844.

ABSTRACT.

Promulgates rule regarding the competency of Moonsiffs to take cognizance of suits for property and possessson of Lakhiraj land, &c.

(No. 1806.)

To the Civil and Criminal Authorities in the North Western Provinces.

The Court, with the sanction of Government, having made arrangments as detailed in the annexure, with the Orphan Press at Secundra, for the execution of all Letter Press and Lithographic Printing, which may be required for the use of the Judicial Officers, in these Provinces, the several functionaries, within the jurisdiction and control of the Courts of Sudder Dewanny and Nizamut Adawlut in the North Western Provinces, are directed to discontinue sending their applications to the Lithographic Press in Calcutta, and to address them, until further orders, to the Superintendent of the Orphan Press at Secundra near Agra.

2. With a view to introduce and establish uniformity of system and practice in this Department, the Court desire that the first requisition for each description of form, drawn out with due regard to economy of paper, [which, it will be observed, involves

a saving of charge for printing] may be forwarded through the intervention of the Court, after whose approval and sanction it will be transmitted to the Press for execution.

3. The Indents should be as large as can be conveniently managed, and should be so arranged as not to fall on the press at one time. No more than one Indent of each form should be made in the year, as this would subject Government to an extra charge for setting up or transferring, if the total number of copies required within the year should fall short of one thousand.

4. Applications for such of the Civil and Criminal Statements as have been hitherto supplied from this office should be addressed to the Court as heretofore, and not to the Press.

G. F. EDMONSTONE,
Register.

Agra, the 19th October, 1844.

ABSTRACT.

Publishing for information an arrangement, entered into with the Orphan Press at Secundra, for the execution of all Letter Press and Lithographic Printing, which may be required by the Judicial Offices in the North Western Provinces.

Conditions on which the Work of supplying the Courts of Sudder Dewanny and Nizamut Adawlut, with Lithographed and Printed forms will be given to the Agra Orphan Press.

Table of Rates for Setting up or Composing in Type each page of each Permanent Form, and of Press work for printing every hundred copies. This refers to forms of which 1,000 *or more copies are required in the year.*

Size in superficial Inches of each page.	*Setting up for each Page.*												*Press Work of every* 100 *copies.*											
										MIXED.			FORM OF											
	English.			*Persian.*			*Nagree.*			*English with Persian or Nagree, or Persian with Nagree.*			1 *Page.*			2 *Pages.*			3 *Pages.*			4 *Pages.*		
	Rs	A.	P	Rs.	A	P	Rs	A.	P	Rs	A.	P.	Rs.	A.	P.	Rs	A.	P	Rs.	A.	P.	Rs	A.	P.
Up to 40	1	0	0	0	8	0	0	8	0	0	12	0	0	1	6	0	3	0	0	6	0	0	6	0
40 to 60	1	8	0	1	0	0	1	0	0	1	4	0	0	2	0	0	4	0	0	8	0	0	8	0
60 to 80	2	0	0	1	8	0	1	8	0	1	12	0	0	3	0	0	6	0	0	12	0	0	12	0
80 to 100	2	8	0	2	0	0	2	0	0	2	4	0	0	4	0	0	8	0	1	0	0	1	0	0
100 to 120	3	0	0	2	8	0	2	8	0	2	12	0	0	5	0	0	10	0	1	4	0	1	4	0
120 to 140	3	8	0	3	0	0	3	0	0	3	4	0	0	6	0	0	12	0	1	8	0	1	8	0
140 to 170	5	0	0	4	0	0	4	0	0	4	8	0	0	8	0	1	0	0	2	0	0	2	0	0
170 to 200	6	0	0	5	0	0	5	0	0	5	8	0	0	10	0	1	4	0	2	8	0	2	8	0
200 to 240	7	0	0	6	0	0	6	0	0	6	8	0	0	12	0	1	8	0	3	0	0	3	0	0

Table of Rates for Writing and Transferring each page of each Permanent Form by the Lithographic process and of Press work for printing every hundred copies. This refers to Forms of which 1,000 or more copies are required in the year.

Size in superficial Inches of each pages	Transferring each page.												Press Work of every 100 copies.											
	English.			Persian.			Nagree.			Mixed. English with Persian or Nagree, or Persian with Nagree.			Form of 1 Page.			2 Pages.			3 Pages.			4 Pages.		
	Rs.	A.	P.	Rs.	A.	P	Rs.	A.	P	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Up to 40	1	0	0	0	8	0	0	8	0	0	12	0	0	4	0	0	8	0	1	0	0	1	0	0
40 to 60	1	8	0	0	12	0	0	12	0	1	0	0	0	6	0	0	12	0	1	8	0	1	8	0
60 to 80	2	0	0	1	0	0	1	0	0	1	8	0	0	10	0	1	4	0	2	8	0	2	8	0
80 to 100	2	8	0	1	4	0	1	4	0	2	0	0	0	12	0	1	8	0	3	0	0	3	0	0
100 to 120	3	0	0	1	8	0	1	8	0	2	8	0	0	14	0	1	12	0	3	8	0	3	8	0
120 to 140	3	8	0	1	12	0	1	12	0	3	0	0	1	0	0	2	0	0	4	0	0	4	0	0
140 to 170	4	0	0	2	0	0	2	0	0	3	8	0	1	8	0	3	0	0	6	0	0	6	0	0
170 to 200	5	0	0	3	0	0	3	0	0	4	0	0	1	12	0	3	8	0	7	0	0	7	0	0
200 to 240	6	0	0	4	0	0	4	0	0	5	0	0	2	0	0	4	0	0	8	0	0	8	0	0

Table of Rates for Setting up or Composing in Type or for Transferring by the Lithographic process each page of each occasional Form; that is, of which less than 1,000 copies are required in the year.

Size in superficial Inches in each page.	Setting up or transferring each page if more than 300 copies are ordered.			Setting up or transferring each page if 300 copies or fewer copies are ordered.			Press work for every 100 copies.
	Rs.	A.	P.	Rs.	A.	P.	
Up to 40	0	6	0	0	10	0	As for Permanent Forms.
40 to 60	0	9	0	0	15	0	
60 to 80	0	12	0	1	4	0	
80 to 100	0	15	0	1	9	0	
100 to 120	1	2	0	1	14	0	
120 to 140	1	5	0	2	3	0	
140 to 170	1	8	0	2	8	0	
170 to 200	1	14	0	2	13	0	
200 to 240	2	4	0	3	2	0	

CONDITIONS.

1. All the Forms printed at the Orphan Press for Government shall be unexceptionable as to accuracy and neatness, and generally as to goodness of workmanship.

2. The charge shall be made but once in each year for setting up or composing in Type, or for writing and transferring in the Lithographic process any Permanent Form, that is, one of which not less than a thousand copies are required in the year, but for occasional Forms, of which less than a thousand copies are required in the year, such charge shall be made on each Indent.

3. The rates above specified are exclusive of Paper, Packing and Carriage.

4. Paper supplied from the Orphan Press shall be charged at the actual cost with a commission of 5 per cent in those cases only, in which the paper, by being obtained from another Station, is exposed to loss and damage while in transit, and for any paper supplied by Government, a true and faithful account shall be rendered, that is to say the whole paper shall be printed, excepting one sheet in every hundred sheets so supplied.

5. The Press will be expected to perform the work entrusted to it without any unreasonable delay; failing which it will become necessary for Government, to make other arrangements.

(Signed) J. THORNTON,
Secy. to the Govt. N. W. P.

[True Copy.]

G. F. EDMONSTONE,
Register.

(No. 1852)

To the Civil Judges in the North Western Provinces.

In modification of paragraph 12 Circular Order Sudder Dewanny Adawlut, No. 1288, dated 26th July last, the Court are pleased, under instructions from the Hon'ble the Lieutenant Governor, North Western Provinces, to direct, that the Civil Judges will, at the close of each year, submit a *separate* Statement, shewing the number of deeds, which may have been registered during its course in the Offices established for that purpose, together with the amount of Fees received by the Register, and any remarks that may occur to them on the working of the system.

G. F. EDMONSTONE,
Register.

Agra, the 24th October, 1844.

ABSTRACT.

In modification of paragraph 12 Circular Order, No. 1288, dated 26th July last, directs submission at end of each year of a *separate* Statement, shewing the number of deeds registered and the amount of Fees received by the Register.

(No. 1853.)

To the Civil and Criminal Authorities in the North Western Provinces.

The Court are induced to presume, that the security bonds, executed by the sureties of the Judicial Treasurers, and other Officers entrusted with the charge of money, whether public or belonging to private individuals, are drawn up in terms so vague and indefinite, as to impair their sufficiency, and that, notwithstanding the instructions contained in Circular Orders Sudder Dewanny Adawlut cited marginally,* and the check imposed by the periodical submission of the statement and certificate thereby prescribed, the securities are not annually examined and revised with that careful scrutiny, which has been strictly enjoined.

* No. 34, dated 23rd Sept. 1831.
No. 150, ditto 3rd July, 1835.
No. 193, ditto 20th Jan. 1837.

2. The several Judicial Officers were desired in taking securities to be careful that the sureties should bind themselves and their heirs to make good all losses

sustained by the default, or fraud of the officer, for whose conduct they became responsible and to secure the pignoration of property on the part of the surety, the amount of which should be determinable by the value of the property or the amount of money likely to be left in the hands of the Officers, from whom the security was demanded.

3. The Court having reason to believe, that the terms of the security bonds, executed by the sureties of Judicial Treasurers and other Officers above indicated, do not express the full measure of the liability, implied in the instructions above cited, are pleased to subjoin a form of Bond, which sufficiently comprehends all the obligations assumed by sureties, and to direct, that the Judicial Authorities, in enquiring into the sufficiency of the security of the Officers on their Establishment at the approaching termination of the year, will be pleased to compare carefully the phraseology of the Bonds, [which on this and every other occasion of the like nature should be invariably subjected to their inspection] with the terms of the annexed formula, and, in the event of the former being deficient in clearness and comprehensiveness, or essentially different from that contemplated by Circular Order of the 23rd September, 1831, No. 34, to cause new security Bonds to be executed by the sureties, corresponding with that, which is appended to this order.

4. In reporting the result of the prescribed revision according to the prescribed Form the Judicial Authorities are hereby required to certify, that the Bonds have been carefully examined, and found to correspond in their terms with the annexed Formula,* and that memorials thereof have been registered in pursuance of the instructions conveyed in Circular Order Sudder Dewanny Adawlut, No. 15, dated 2nd May, 1843.

* Printed Circular Order, Volume IV. Page 10.

5. It will be of course understood, that the obligation, resting on the Judicial Authorities, of instituting the necessary inquiries to establish the validity and sufficiency of the security, furnished by those of their subordinates, who hold offices of pecuniary responsibility, remains unimpaired, and that the certificate, prescribed by Circular Order Sudder Dewanny and Nizamut Adawlut, No. 193, dated 20th January, 1837, must be invariably inserted at the foot of the Annual Statement, which they are directed by orders above referred to, to submit.

G. F. EDMONSTONE,
Register.

Agra, the 25th October, 1844.

ABSTRACT.

Regarding security bonds executed by the sureties of the Judicial Treasurers and other Officers, entrusted with the charge of money, whether public or belonging to private individuals.

G. F. EDMONSTONE,
Register.

میں کہ
جو پیشکار صاحب جج عدالت دیوانی ضلع
مذکورہ کے اُس محکمہ کے خزانچی سے بتعداد
ہی اسواسطے میں برضا اور رغبت اپنے مسمی
محکمہ مذکورہ کے مقرر ہی متکفل ہوتا ہوں اِس اقرار سے کہ جب کبھی منجملہ روپیئے یا لوٹ وغیرہ

ولد
سے بابت خزانہ متعلقہ عدالت
روپیئے کے تصرف ضامنی مطلوب
کا کہ فی الحال بعہدۂ خزانچی گری

کوٹھی
ساکن
کا ہوں

نقد اور جنس محوله خزانچي مذکور ے ازروے حساب ے کچھه باقي سرکار کي ذمه مشار الیه ے
نکلے تو میں ضامن بالاعدر اور حجت زردمکي خزانچي مدکور کو اپنے پاس سے ادا کروں اور جایداد مصرحه
ذیل کو که مالیتي روپیے کي بلاخلش ازان خاص مجھه ضامن کي هی بطریق نشان
ضمانت ے مکفول کرتا هوں اور میں وثیقه بطور تصرف ضامني ے لکھه دیتا هوں که عندالحاجت کام
آوے المرقوم

(No. 1900.)

To the Civil Judges in the North Western Provinces.

In supersession of the Circular Order, No. 138, dated Western Provinces, 6th March, and Lower Provinces, 3rd April, 1835, the Court are pleased to declare, that the district Judges are competent to employ, generally, the Sudder Ameens and Moonsiffs, equally with Principal Sudder Ameens, in attesting Mookhtarnamahs, required to be filed in other Courts.

2. The Uncovenanted Judges of every class should be required to affix their official seals, as well as their signatures, to Mookhtarnamahs, and cautioned against registering such papers or levying any fee or gratuity for attesting them.

3. The personal appearance and acknowledgment of the party executing the Mookhtarnamah is unnecessary: it being quite sufficient that the execution of the document be proved by two credible witnesses.

G. F. EDMONSTONE,
Register.

Agra, the 8th November, 1844.

ABSTRACT.

Authorizing the employment of every class of Uncovenanted Judges in attesting Mookhtarnamahs in supersession of Circular No. 138, of the 6th March, 1835.

(No. 1971.)

To the Civil and Sessions Judges in the North Western Provinces, and Saugor and Nerbudda Territories and the Commissioner of Kumaon.

The Court, finding that the orders of Government dated 31st March, 1834, on the subject of Contingent Charges, incurrible by the Civil and Sessions Judges are frequently overlooked, are pleased to publish an extract [paras. 1 and 2,] from the same for general information, and direct, that the Authorities, to whom they are applicable, will henceforward follow the practice thereby prescribed, and cease to submit applications for the disbursement of money through the intervention of the Court.

G. F. EDMONSTONE,
Register.

Agra, the 18th November, 1844.

ABSTRACT.

Attention directed to Government Orders dated 31st March, 1834.

Extract [Paragraphs 1 and 2,] from the orders of Government dated 31st March, 1834.

Para. 1. In modification of the existing Rules on the subject of the Contingent Charges of the office of Civil and Sessions Judge, and Commissioner of Circuit, the

Hon'ble the Vice President in Council is pleased to determine, that monthly Statements of such charges incurred by them shall in future be forwarded by the Civil and Sessions Judges, and by the Commissioners respectively, to the Civil Auditor. The duty of examining and checking the Statements being vested in that officer, who will possess authority to pass, without further reference, all such items of charge as he may think usual and unobjectionable, whatever their amount, reporting those which may not be of that character, in Quarterly Statements, for the consideration and orders of Government.

2. It is to be understood, that it will not be necessary to apply for the sanction of the Civil Auditor, previously to incurring any Contingent Charge. Disbursements may be made in the first instance on the responsibility of the Civil and Sessions Judges, or the Commissioners, as the case may be.

[True Extract.]

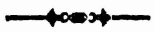
G. F. EDMONSTONE,
Register.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.



(No. 1635.)

To the Sessions Judges in the North Western Provinces, and in the Saugor and Nerbudda Teritory, and the Commissioner of Kumaon.

The Circular Order of the Nizamut Adawlut No. 22, dated [W. P.] 6th May, 1839, which requires Sessions Judges, in referring trials for the final Orders of the Court, to specify the punishment which in their opinion would be adequate to the crime established against the Prisoners, having given rise to much practical inconvenience, is hereby cancelled.

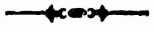
2. Sessions Judges, in submitting for the orders of the Court their proceedings on trials which they may be incompetent to dispose of finally, are requested henceforward to confine themselves to recording their opinion of the guilt or innocence of the prisoner, and of their relative degrees of guilt, should there be more than one prisoner, leaving the measure of punishment to be awarded to be determined by the Nizamut Adawlut.

G. F. EDMONSTONE,
Offg. Register.

Agra, 16th December, 1843.

ABSTRACT.

Cancels Circular Order Nizamut Adawlut No. 22, dated [W. P.] 6th May, 1839, and directs Sessions Judges, in referring trials, to restrict themselves to expressing their opinion as to the guilt or innocence of the prisoner or prisoners.



(No. 1707.)

To the Magisterial Authorities in the North Western Provinces.

It appearing that many Magistrates under a misconception of the object of the Circular Order, No. 110, of the 24th June, 1842, have referred all cases involving chemical examination to the chemical examiner to Government, instead of availing themselves of the aid of the Medical Officers of their stations. The Court request, that such references be in future limited to cases of urgent necessity, in which the local Medical Officer cannot afford the required information, and to doubtful cases of

poisoning, &c. regarding which there may be need of information for directing the researches of the Police.

2. The Magistrates are also requested not to call upon the chemical examiner to make affidavits before the Chief Magistrate of Calcutta, regarding any matter referred for examination, as such affidavits are not legal evidence.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 30th December, 1844.

ABSTRACT.

Defines the cases in which references should be made to the chemical examiner.

(No. 166.)

To the Officers in charge of Jails in the North Western Provinces.

The Court of Nizamut Adawlut promulgate, for the information and guidance of all Officers in charge of Jails in the North Western Provinces, copies of the correspondence, particularized in the margin*, which has recently passed with Government on the subject of imposing the restraint of fetters on native soldiers and camp followers, who may be made over to the Civil Authorities to undergo sentences of imprisonment, adjudged against them by Courts Martial.

* Offg. Register to Secy. to Govt. N. W. P., No. 1256, dated 14th September, 1843. From Secy. to Government N. W. P., No. 302, dated 23d inst., with annexures.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 27th January, 1844.

ABSTRACT.

Promulgates correspondence with Government, on the subject of imposing fetters on Native Soldiers and Camp Followers, made over to the Civil Authorities, to undergo sentences of imprisonment adjudged by Courts Martial.

No 1256 of 1843.

FROM G. F. EDMONSTONE, ESQ.,
Offg. Register, Nizamut Adawlut, N. W. P.

To R. N. C. HAMILTON, ESQ.,

Secretary to Government, North Western Provinces, dated Allahabad, the 14th September, 1843.

References have been occasionally made by Magistrates, to whose charge Native Soldiers and Camp Followers sentenced by Courts Martial to imprisonment "with labor" have been committed requesting the instructions of the Court in regard to their competency under the terms of the sentence to impose the additional restraint of fetters, and the instructions issued by the Court, on these applications, have been hitherto wont to be regulated by the particular circumstances of each case, and the representations of the Magistrate in respect of it: ordinarily, the imposition of "*irons*" forms a part of the sentence passed by the Criminal Authorities on persons, whose

offences have rendered them liable to imprisonment "*with labor*," and it appears to the Court advisable, that some uniform principle should guide Courts Martial in recording their sentences, and that some corresponding rule of practice, with a view to the enforcement of that principle, should be promulgated for general observance by the Military Authorities.

2. In order to effectuate this object, it will only be necessary, the Court presume, that the pleasure of Government should be communicated to the Military Department, accompanied by a request, that if no objection, legal or other exist, orders should be issued, fitted to secure the specification of "labor in irons" or the reverse, in every sentence of imprisonment passed by a Court Martial, whenever it may be intended that the prisoner shall undergo his punishment in any of the Provincial Jails under the control of this Court.

3. A discretion is of course vested in all Magistrates to subject any prisoner, guilty of riotous conduct, or of an infringement of the rules prescribed for the management of Jails to the restraint of fetters, whatever his sentence, and by what Court soever awarded, whenever such a step may appear indispensable to the maintenance of discipline and order, or the safe custody of the prisoner, but the object of the present address is to procure the promulgation of a Rule which shall impose upon Courts Martial the duty of so framing their penal awards, as that no doubt of their intention regarding the imposition of irons shall remain, and which shall relieve the Magistrates and other authorities in charge of Jails from the responsibility, on the one hand, of inflicting upon prisoners committed to their custody, a degradation, which may not form part of the recorded sentence, and from their not unnatural repugnance, on the other, to afford to such convicts a facility of effecting their escape, by sending them to labor on the roads, without the ordinary restraint of fetters.

G. F. EDMONSTONE,
Offg. Register.

Allahabad, the 14th September, 1844.

ABSTRACT.

Suggests the observance by the Military Courts of some uniform principle in recording their sentences, and the promulgation by the Military Authorities of some corresponding rule of practice, with a view to the enforcement of that principle.

No. 302 of 1844.

FROM J. THORNTON, ESQ.,
Secretary to the Government, N. W. P.

To G. F. EDMONSTONE, ESQ.,
Offg. Register, Nizamut Adawlut, N. W. P.

In reply to your letter, No. 1256 of 1843, dated 14th September, I am directed by the Hon'ble the Lieutenant Governor to forward, for the information of the Court, the accompanying copy of a despatch from the officiating Secretary to the Government of India, Military Department, dated 15th ultimo, deeming it unnecessary that any legislative enactment should be passed for ensuring the distinct expression of the intentions of Courts Martial in passing sentences on Prisoners who have to undergo their punishment in any of the Provincial Jails under the control of the Sudder Court in these Provinces.

J. THORNTON,
Secy. to Govt. N. W. P.

Agra, 23rd January, 1844.

No. 572.

To the Secretary to the Government, North Western Provinces, Agra.

Your despatch, No. 4775, of the 20th October last, relative to the distinct expression of the intentions of Military Courts Martial in passing sentences on prisoners who have to undergo their punishment in any of the Provincial Jails under the control of the Allahabad Court, having been referred to His Excellency the Commander in Chief, I am directed, in annexing for the information of the Hon'ble the Lieutenant Governor, copy of a letter, No. 273, of the 4th instant, from the Adjutant General of the Army, to my address, which has been received in reply, to observe, that the Hon'ble the President in Council deems it unnecessary that any legislative enactment should be passed on the subject, it appearing that the imposition of fetters on convicts is left to Magistrates who exercise their own discretion in ordering their use, under the circumstances referred to.

W. M. N. STURT, *Major,*
Offg. Secy. to the Govt. of India Mily. Dept.

Fort William, 15*th Dec.,* 1843.

No. 273.

FROM THE ADJUTANT GENERAL OF THE ARMY,
TO THE OFFG. SECRETARY TO THE GOVT. OF INDIA,
MILITARY DEPARTMENT.

I am directed by the Commander in Chief to acknowledge the receipt of your letter, No. 52, of the 3rd ultimo, with enclosures relative to the expediency, or otherwise, of Courts Martial distinctly expressing in their sentences whether prisoners adjudged to suffer imprisonment with labor, are, or are not, to be subjected to the restraint of fetters, and to convey to you His Excellency's opinion on the point in question.

Sentences of imprisonment with labor, passed by Native Courts Martial, are passed either in conformity with the Regulations of Government, for trials or criminal offences, or under Act No. XXIII. of 1839, on trials for Military offences. In criminal cases, the sentence directs the imposition of fetters, whenever the Regulations authorize its being done, and not otherwise; and, thus, the same law which guides the Courts of Session, or the Nizamut Adawlut, guides Courts Martial also.

In Military cases, Courts Martial are empowered by the Act No. XXIII. of 1839, to award "imprisonment with or without hard labor," but as no authority is therein given, to direct that the prisoner be subjected to labor "in irons," or "on the roads," a Court Martial cannot legally, the Commander in Chief thinks, introduce the words into their sentence. By the authority conveyed in a Circular, from the Court of Nizamut Adawlut in Calcutta, No. 122 of the 11th March, 1813, the imposition of fetters on convicts would, His Excellency remarks, seem to be left to the discretion of the Magistrate.

If it be deemed advisable to confer on Courts Martial the discretionary power of awarding imprisonment, with or without hard labor in irons, or otherwise, such power must, His Excellency conceives, be specially confirmed by an Act of Government.

J. R. LUMLEY, *Maj. Genl.,*
Adjutant Genl. of the Army.

Head Quarters, Camp Agra, 4*th December,* 1843.

(No. 123.)

To the Magisterial Authorities in the North Western Provinces.

The Court are pleased to direct that Magistrates in sending bodies to the Civil Surgeons, for examination, furnish them which all available information regarding the alleged cause of death.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 27th January, 1844.

(No. 129)

To the Magisterial Authorities in the North Western Provinces.

The Courts of Nizamut Adawlut, for the Lower and North Western Provinces, having had under their consideration the means best adapted as checks against the misappropriation of "unclaimed property" and the "property of intestates," coming under the control of the Foujdarry Courts, are pleased to prescribe the adoption of the Forms annexed in all future cases of the kind.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 27th January, 1844.

FORM No. 1.

Zillah ———————— Foujdarry Adawlut.

Register of unclaimed Property disposable under Clause 16, Section 16, Regulation XX. of 1817.

1	2	3	4	5	6	7	8	9	10	11	12
Names of Thannahs.	Description of unclaimed property.	Date of arrival at the Thannah	Date of sale (if sold) in the Mofussil.	Date of arrival at the Sudder station.	Date of sale at the Sudder station.	Price realized by the sale of the property.	Signature of the Nazir	Date on which the price realized was paid into Treasury	Receipt & signature of the Treasurer.	Signature of the Magistrate or their officer.	Remarks.
											If the property has been made over to any claimant who has appealed, it is to be stated in the column of remarks.

Total amount, ... 0 0 0
Realized during the month, .. 0 0 0

FORM No. 2.

Zillah ———————— Foujdarry Adawlut.

Register of Lawaris Property disposable under Section 7, Regulation V. of 1799.

1	2	3	4	5	6	7	8	9
Names of Thannahs.	Names of individuals deceased.	Description of Property.	Date of arrival at the Thannah.	Date of arrival at the Sudder station	Date of despatch of property to the Civil Court	Signature of the Nazir.	Date of receipt given by the Civil Authority	Remarks.

(No. 296.)

To the Criminal Authorities in the North Western Provinces.

It has been ruled by the Courts of Nizamut Adawlut for the Lower and the Western Provinces, that all orders passed by Magistrates for the removal of obstructions and nuisances on thoroughfares or for other Conservancy purposes under the provisions of Act XXI. 1841, are appealable to the Sessions Judges only, who are accordingly required to take cognizance of all such matters, when brought before them.

G. F. EDMONSTONE,
Offg. Register.

Agra, the 20th February, 1844.

ABSTRACT.

Rules that all orders passed by Magistrates under Act XXI. of 1841, are appealable to Sessions Judges only.

(No. 335.)

To the Criminal Authorities in the North Western Provinces.

The Court, after consultation with the Nizamut Adawlut in Calcutta, have ruled in supersession of paragraph 1, Circular Order Nizamut Adawlut, No. 100, dated (Western Provinces) 28th January, 1842, that every order of an Assistant to a Magistrate not vested with special powers, of a Principal Sudder Ameen, Sudder Ameen, or Law Officer, passed in a criminal trial or proceeding, adjudging a penalty of fine *and* imprisonment agreeably to the provisions of Section 20, Regulation IX. of 1807, and Section 3, Clause 3, Regulation III. of 1821, which penalty exceeds the

limitations exacted in Section 8, Regulation VI. of 1803, is appealable to the Sessions Judge.

2. In like manner, whenever in cases of petty theft, the extended powers conferred by Section 20, Regulation IX. of 1807 and Clause 3, Section 3, Regulation III. of 1821, upon Assistants to Magistrates not vested with special powers, Principal Sudder Ameens, Sudder Ameens and Law Officers may be called into exercise by those functionaries respectively, the orders of each and all in such cases have been held to be appealable to the Sessions Judge.

G. F. EDMONSTONE,
Register.

Agra, the 2nd March, 1844.

ABSTRACT.

Supersedes Paragraph 1, of Circular Order Nizamut Adawlut, No. 100, dated 28th January, 1842, and declares all orders passed by Assistants to Magistrates and others under the provisions of Section 20, Regulation IX. of 1807, and Clause 3, Section 3, Regulation III. of 1821, to be appealable to the Sessions Judge.

(No. 527.)

To the Officers in charge of Jails in the North Western Provinces, including Saugor and Kumaon.

With reference to the Circular Order of the Nizamut Adawlut, No. 669, dated 16th May, and published in the *Government Gazette* of the 6th June last, the Court publish, for the information and guidance of all Officers in charge of Jails in the North Western Provinces, Extract [Paragraphs 2, 3, and 10,] from the orders of Government dated 23rd ultimo, pointing out the measures, which should be adopted, in all practicable cases, for providing means of daily ablution to the prisoners in their custody.

G. F. EDMONSTONE,
Register.

Agra, the 19th April, 1844.

ABSTRACT.

Promulgates, for the information and guidance of Officers in charge of Jails, instructions for providing means of daily ablution to the prisoners.

Extract (Paragraphs 2, 3, *and* 10,) *from the orders of Government dated* 23*rd March,* 1844, *No.* 1085.

PARA. 2. As regards the general question it appears that there is no plan so advantageous as that of a good sized Tank in the immediate neighbourhood of the Jail, but outside the walls. The practice of bathing within the walls in the well from which water is drawn for drinking, is open to objection, on two accounts, part of the water runs back into the well, thus impairing its quality for drinking purposes, while the remainder is apt, unless a very good system of drains is established, to render that part of the interior of the Jail wet and dirty.

PARA. 3. It is thought that in most places a tank 120 feet square and 10 feet deep, would be large enough for the purpose, and would retain water throughout the year, such a tank would be dug by 100 prisoners in from two to

three months without further expense to Government. In most Jails there are convicts for life, whom it is not advisable to employ at a distance from their place of confinement, and whose labor might well be made available for such a work.

PARA. 10. In conclusion, I am desired to observe that wherever difficulties still remain for procuring the means of ablution for the prisoners in the vicinity of the Jail, it is almost always practicable to allow them these means during the interval of labor, which it is understood that they generally enjoy in the middle of the day.

(True Extract.)

G. F. EDMONSTONE,
Register.

(No. 620.)

To the Magistrates in the North Western Provinces.

The Court call the attention of Magistrates in the North Western Provinces, to a Circular Order addressed under this date to the Civil Judges, regarding the practice to be in future pursued by Moonsiffs and others in transmitting the records of monthly decisions to the Sudder Station, and request, that the Police Daroghas, subject to their control, may be furnished with the requisite instructions for giving effect to the directions therein contained.

G. F. EDMONSTONE,
Register.

Agra, the 23rd April, 1844.

ABSTRACT.

Calls attention to Circular Order addressed under this date to the Civil Judges prescribing rules for the transmission of the records of monthly decisions by the Subordinate Judicial Officers to the Sudder Station.

(No. 686.)

To the Criminal Authorities in the North Western Provinces including Kumaon and Saugor.

By the construction of the Nizamut Adawlut No. 816, dated 23rd August, 1833, Magistrates were declared competent to "remove the Chowdhrees of the several trades and professions. The Court, having reconsidered the subject of this construction, and principle which it involves, are persuaded, that it is based on an incorrect view of the Chowdhree's position, and of the relation in which he stands towards the members of the trade or profession, on the one hand, and the Government on the other.

2. The Chowdhree is the head of the profession, selected and appointed by its members in the exercise of their free choice, with which the Government have no power to interfere, and with them rests the option of dispensing with his services, whenever he may have forfeited their confidence, by abusing the influence incident to his position, or acting detrimentally to their interests.

3. The Court are pleased, therefore, with the sanction of Government, to declare Construction, No. 816, superseded, and to prohibit any interference on the part of

the Magisterial authorities in the election, recognition, or removal of Chowdhrees, of whatever trade or profession.

G. F. EDMONSTONE,
Register.

Agra, the 6th May, 1844.

ABSTRACT.

In supersession of Construction, No. 816, prohibits interference by Magistrate in the election, recognition, or removal of Chowdhree.

(No. 762.)

To the several Sessions Judges in the North Western Provinces and to the Commissioner of Kumaon.

Circular Order, No. 110, dated 29th June, 1832, having fallen into partial disuse, and the inconvenience, which it was designed to remedy, having been thus revived, the Court are pleased to direct the attention of the Sessions Judges to the said order, and to request, that in forwarding the proceedings in Criminal trials, &c. called for by the Court, they will invariably annex thereto, an extract from the Sessions Statements containing whatever information was conveyed in them, relative to the case called for.

G. F. EDMONSTONE,
Register.

Agra, the 14th May, 1844.

ABSTRACT.

Attention of the Session Judges directed to requirement of Circular Order, No. 110, dated 29th June, 1832.

(No. 763.)

To the several Magistrates and Sessions Judges in the North Western Provinces, including the Saugor and Nerbudda Territories, and the Commissioner and Senior Assistants of Kumaon.

With reference to the Circular Orders of this Court, No. 842, dated 19th June, 1843, the Court notify, for the guidance of the Sessions Judges in the North Western Provinces, and for general information, that Section 2, Act XXXI. of 1841, has been held, by the concurrent opinion of the majority of the two Courts of Nizamut Adawlut, to confer upon every convicted offender the privilege of demanding a re-hearing of his case, or, in other words, a second trial, it has been on the same principle, determined, that the mere reception of a petition cannot be considered equivalent to the "appeal permitted," by the Act, but, that it is incumbent on the appellate authorities to call for, and examine the proceedings of the Lower Courts in every case, whether it be a "Criminal Trial" or a "judicial proceeding other than a Criminal Trial," from the sentence or final order in which an appeal may be preferred to the superior Courts.

2. The Court accordingly inform the appellate authorities, enumerated in Section 2, Act XXXI. of 1841, that they are incompetent to reject petitions of appeal

of what kind soever, presented to them, within the prescribed term, without a revision of the proceedings held in the Lower Court, and that it is incumbent on them, however manifest the legality or the propriety of the decision passed by the Court of first instance may be, to call for, and examine the proceedings of the said Court, in every instance of an appeal being instituted before them.

G. F. EDMONSTONE,

Agra, the 14*th May,* 1844. *Register.*

ABSTRACT.

Notifying that Section 2, Act XXXI. of 1841, confers upon every convicted offender the privilege of demanding a re-hearing of his case, and that it is incumbent on the appellate authorities to examine the proceedings of the Lower Courts in every case whether it be a Criminal Trial or Judicial proceeding, other than a Criminal Trial.

(No. 809.)

To the Officers in charge of Jails in the North Western Provinces.

With reference to the suggestion, contained in the 81st Paragraph of the Court's printed Report on the Administration of Criminal Justice for 1842, copies of which have been transmitted for the use of the several Criminal Authorities in the North Western Provinces: The Court notify, that the Military Board have issued instructions, authorizing the white-washing of Jail wards once in every quarter, if necessary, and oftener on emergencies, on a written application, to that effect, being addressed by the Officers in charge of Jails, to the Executive engineer of the Division.

G. F. EDMONSTONE,

Agra, the 21*st May,* 1844. *Register.*

ABSTRACT.

Intimates, that the Military Board have authorized the white-washing of Jail wards at stated periods, and oftener, if needful, on the written application of the Officers in charge.

(No. 816.)

To the Criminal Authorities in the North Western Provinces, including Saugor and Kumaon.

The Court publish, for general information, a Resolution agreed upon under date the 17th instant, regulating the future practice of the Nizamut Adawlut for the North Western Provinces, in the matter of receiving petitions of appeal from sentences passed in Criminal Trials by the Lower Courts, and request, that the Sessions Judges and Magisterial Authorities will take measures to make the purport thereof known to all whom it may concern.

2. The Rule of practice resolved upon will come into operation on the 1st July next ensuing.

G. F. EDMONSTONE,

Agra, the 17*th May,* 1844. *Register.*

ABSTRACT.

Publishes Resolution regulating the future practice of the Nizamut Adawlut, North Western Provinces, in receiving petitions of appeal from sentences in Criminal cases of Lower Courts.

At a Court of Nizamut Adawlut held at Agra on Friday, the 17th May, 1844.

Present :

B. Tayler, Esq., ...
G. P. Thompson, Esq., ... } Judges.
J. Davidson, Esq., ...

Read a letter from the Register of the Nizamut Adawlut in Calcutta, No. 294, dated 23rd February last, relative to the practice pursued by that Court in the reception of petitions of Criminal Appeal under Act XXXI. of 1841, from third parties, calling themselves relatives of the Prisoners, without authority from the real appellants.

Resolved, that the said practice which is found to have been observed by this Court from its first institution to the present time, is beyond the requirements of Law, and in practice objectionable, and that it be forthwith discontinued.

Resolved, further, that henceforth no petition of Criminal Appeal, even though preferred within the limit of time prescribed by Section 2, Act XXXI. of 1841, shall be considered admissible, unless presented by the appellant in person, or by a duly authorized representative, and that all petitions presented in opposition to this Rule, shall be rejected, as of course, and put into the record office, without any order being recorded thereupon.

Ordered that this Resolution be adopted as a Rule of practice in the reception of petitions of Criminal Appeal in this Court, and be brought into operation on the 1st July next ensuing.

Ordered, further, that the said Resolution be published in the *Agra Government Gazette* for general information.

G. F. EDMONSTONE,
Register.

(No. 795.)

To the Magistrates and Officers in charge of Jails in the North Western Provinces, including Saugor and Kumaon.

The Court, having had under consideration the returns to their Circular Letter, No. 794, dated 6th June last, regarding the state of the Jails in these Provinces, and the effects of the present sysem of dieting and labor on the health of those subjected to its influence, have, in communication with the Government of the North Western Provinces, and in concurrence with the opinions expressed by the majority of Magistrates and Medical Officers consulted, rejected the scheme, proposed by the Medical Board in Calcutta, of allowing to Prisoners two cooked Meals daily, as involving the occupation of too much time, and being incompatible with the due exaction of convict labor, and, as being opposed to the habits of the laboring classes, of whom the inmates of Jails are, for the most part composed. It is now sufficient, in the opinion of the Court, to intimate, that though the option, accorded by Circular Order No. 107, dated 4th May, 1842, of allowing a daily ration up to the measure of one seer to each Prisoner, still remains in force, less may well be given at the discretion of the Magistrate and Medical Officer, and to direct that the scale of diet, within that limit, shall be varied according to the age, sex of, and amount of labor exacted from, the Prisoners.

2. On inspection of the returns alluded to, it is found, that the practice of meridian intermission of labor, of longer or shorter duration, according to the season of the year, almost universally prevails, and that in the Jails of the North Western

Provinces, some system, more or less effective according to the efforts and ability of individual Magistrates, of classifying prisoners according to physical strength is observed, a distinction being maintained between the kind of work, assigned to the weak and aged, and that given to the robust:—The Court, however, consider these precautions of sufficient importance, to be more particularly urged upon the attention of the Magistrates, as being closely connected with the internal economy and discipline of the Prisons, and well calculated to promote the health of those confined within their precincts:—The Magistrates will be expected to communicate freely with the Medical Officers in charge of Jails on these points, and to exercise a sound discretion, in allowing a cessation from labor during the heat of the day, and in proportioning the amount and description of labor to the physical ability of those, from whom it is exacted.

G. F. EDMONSTONE,

Agra, the 21st May, 1844. *Register.*

ABSTRACT.

Notifies the result of correspondence on the present system of dieting and labor, and directs the particular attention of the Officers in charge of Jails to the propriety of allowing meridian intermission of labor, and of proportioning labor exacted to the physical ability of the Prisoners.

(No. 1012.)

To the Magistrates and other Officers in charge of Jails in the North Western Provinces.

With reference to Circular Order Nizamut Adawlut, North Western Provinces, No. 809, dated 21st ultimo, the Court direct the publication of the following extract [Paragraph 1,] from a letter addressed by the Executive Engineer of the 10th Division to the Superintending Engineer, North Western Provinces, thinking it possible, that the noxious and objectionable practices, which are therein described, as obtaining in some of the Jails under his charge, may be found to prevail in others, and deeming their prohibition and abandonment essential to the cleanliness and salubrity of those buildings; Magistrates and other Officers having charge of Jails, being at liberty, under the instructions above cited, to require the white-washing of Jail wards once in every quarter and oftener, if necessary, will be held responsible for their being kept in pure and cleanly condition; if the prevention of defilement be impossible, the remedy is at hand, and the application thereof rests with the Magisterial authorities.

G. F. EDMONSTONE,

Agra, the 19th June, 1844. *Register.*

ABSTRACT.

With reference to Circular Order, No. 809, dated 21st ultimo, notifies, that Magistrates and other Officers in charge of Jails, will be held responsible for their being kept in pure and cleanly condition.

Extract [Paragraph 1] from a letter from Captain J. N. Sharp, Executive Engineer 10th Division, to Major F. Abbott, Superintending Engineer, North Western Provinces, dated 1st May, 1844.

" In reply to your letter, No. 3113, of the 2nd ultimo, and its annexure, on the subject of white-washing Jail Buildings generally, and of the ——— one in

particular, I beg to state for your information, that, as far as my own observation extends, more than usual pains are taken in the white-washing of these Buildings, and that for their dirty appearance no blame can be attached to this Department, whilst the Prisoners are permitted to spit upon the walls until they are caked with filth, to smoke, and to burn fires *in* the buildings, as I have invariably witnessed, when inspecting them; for several feet above the floor, the walls are so greasy, that no white-wash will adhere to them, and even when this has been effected, it is immediately removed by the Prisoners rubbing against them."

[True Extract.]

G. F. EDMONSTONE,
Register.

(No. 1208.)

To the Criminal Authorities in the North Western Provinces.

Doubts having been expressed regarding the meaning and application of certain parts of Act III. of 1844, it is notified, for the information and guidance of the Criminal Authorities that, with the concurrent opinion of the courts of Nizamut Adawlut for the Lower and Western Provinces, it has been determined, that "Magistrates," "Joint Magistrates," and "Persons lawfully exercising the powers of a Magistrate," are alone competent to award corporal punishment, relatively to the definition of the term "Magistrate," given in Section 4, Act II. of 1839.

2. By Section 1, of the Act, Magistrates are declared *competent* in certain cases to inflict corporal punishment on adult offenders, and are at liberty, therefore, whenever they may deem such a course preferable, to sentence such offenders, when convicted of thefts of property not exceeding Rupees 50 in value, to the other penalties prescribed by pre-existing laws, for that offence; Section 2, on the other hand, leaves no discretion whatever to the Magistrate, as regards juvenile offenders, imperatively enacting, that he shall punish such, in cases of the nature under notice, rather in the way of School discipline, than ordinary Criminal Justice, by sentencing them to undergo corporal punishment with a light ratan.

3. A question has arisen regarding the course to be pursued towards persons, convicted a second time of theft of property not exceeding Rupees 50 in value, whether corporal punishment should be repeated, or other regulations, providing for such contingencies, enforced—Referring to the above construction of this Law, which leaves the infliction of corporal punishment, or the imposition of other penalty on *adult* offenders, in cases falling under its provisions, discretionary with the Magistrate on primary conviction, the Courts of Nizamut Adawlut have ruled, that, as regards those offenders, a similar discretionary power is vested in the Magistrate, relatively to secondary convictions, and further, in maintenance of the broad distinction, between the cases of adult and juvenile offenders, have determined that if a juvenile offender, who may have been once sentenced to corporal punishment, be still, on the occasion of his re-apprehension and second conviction of theft of property not exceeding Rupees 50 in value, of such tender years, as to require in the opinion of the Magistrate, that he should be punished, rather in the way of School discipline than ordinary Criminal Justice, it will be incumbent on the Magistrate to pass sentence of corporal punishment.

4. From the definition of "Magistrate" contained in the 1st paragraph of this order, it will of course be understood, that corporal punishment must be inflicted in

the presence of the "Magistrate," "Joint Magistrate," or "other person lawfully exercising the powers of a Magistrate."

G. F. EDMONSTONE,
Register.

Agra, the 26th July, 1844.

ABSTRACT.

Promulgates, for general observance, the opinions of the Courts of Nizamut Adawlut, regarding the signification and application of certain provisions of Act III. of 1844.

No. 1348.

To the Sessions Judges in the North Western Provinces.

The Court of Nizamut Adawlut for the North Western Provinces, request the attention of the Sessions Judges, to the provisions of Sections 2 and 3, Act XXIV. of 1843, and direct, that the practice, if still prevalent, of trying Dacoitee cases with the Assistance of a Law Officer, be discontinued.

G. F. EDMONSTONE,
Register.

Agra, the 22nd August, 1844.

ABSTRACT.

Attention of Sessions Judges to Sections 2 and 3, Act XXIV. of 1843, requested, and discontinuance of practice of trying Dacoitee cases with aid of Law Officer directed.

No. 1364.

To the Magisterial Authorities in the North Western Provinces.

It is believed, that Commissariat Officers, on the formation of large camps, and the aggregation of large bodies of troops, have been in the habit of requiring the intervention of Magisterial Authority in procuring the attendance of tradespeople and artificers, of various denominations, to accompany such camps *without remuneration*, asserting, that they must trust to their chance of private employment, while with the camps, for their recompence; with such requisitions, Magistrates have ordinarily complied without objection, and without reference to the illegality and injustice of such impressment.

2. The subject having been recently brought to the notice of the Court, and represented to Government, the Military Board were requested to prevent the Magistrates being called upon to enforce the attendance of artificers and tradespeople in Military camps, or to explain the principle, on which the practice rested, and they have in the subjoined letter, [which is published for general information] disclaimed all participation therein, adding that "the impressment of men whether for Bazars or other purposes, is strictly prohibited.

3. Magistrates are accordingly requested to observe, that all requisitions of the nature above described are discountenanced by the Military Board, that compliance therewith is denounced as "illegal and unjust," and that the responsibility of

withholding such compliance from applications for the illegal exercise of their authority devolves upon them solely and entirely. The practice of pressing tradespeople and artizans to follow Military camps, with or without remuneration, is hereby strictly interdicted, and the Magisterial Authorities will be careful in future to exert their official influence, in aid of the Commissariat Officers, only in such mode and measure, as may be consistent with the requirements and directions of Law.

Copy of a letter No. 1, *dated* 16*th July*, 1844, *from the Military Board to the Hon'ble the Lieutenant Governor, North Western Provinces.*

Hon'ble Sir,

Commissariat Department.

"We beg to acknowledge the receipt of Mr. Secretary Thornton's letter, No. 2275, of the 15th ultimo, with its accompanying copy of a communication from the Court of Nizamut Adawlut and enclosures, on the subject of compelling artizans and trades people to follow Military camps, and in reply to state, that we consider the practice brought to notice altogether illegal and unjust, and one, in which we beg to disclaim any participation. The impressment of men, whether for Bazars or other purposes, is strictly prohibited, and it is not our wish, nor we may safely assert, that of the Commissariat, that it should be continued any longer."

2. "The Magistrate of———— states, that the practice in question is illegal, and yet acknowledges, that he or his Predecessors have, for a series of years, been in the habit of so acting, illegally, on the mere request of a Commissariat officer. We would suggest, that the Magistrate be advised, that it rests entirely with himself to refuse compliance with any application for the illegal exercise of his authority."

G. F. EDMONSTONE,

Agra, the 24*th August*, 1844. *Register.*

ABSTRACT.

Interdicts the practice of pressing Tradespeople and artizans to follow Military camps with or without remuneration, by Magistrates.

(No. 1437.)

To the Magisterial Authorities in the North Western Provinces.

The Court of Nizamut Adawlut for the North Western Provinces, having had under their consideration the returns to their Circular Letter, No. 899, dated 1st June last, regarding the bestowal of money, new clothes, &c. on Condemned Criminals before they are led to execution, are pleased to interdict the practice, which is found to have been generally prevalent and to prohibit all such donations and indulgences, as being calculated to detract from the force and effect of the solemn warning which the adjudgment of the last penalty of the Law is designed and intended to convey.

G. F. EDMONSTONE,

Agra, the 4*th September*, 1844. *Register.*

ABSTRACT.

Forbiding the bestowal of money, new clothes, &c. on Condemned Criminals before they are led to execution.

(No. 1520.)

To the Sesions Judges in the North Western Provinces and Saugor and Nerbudda Territories, and the Commissioner of Kumaon.

The Court hereby notify, that the instructions, contained in paragraph 2, of Circular Order Nizamut Adawlut, No. 1635, dated 16th December, and published in the *Government Gazette* of the 9th January last, are intended to apply to trials held with the assistance of a Law Officer, and to none other.

G. F. EDMONSTONE,
Register.

Agra, the 24th September, 1844.

ABSTRACT.

Explanatory of Circular Order Nizamut Adawlut, No. 1635, dated 16th December, 1843.

(No. 1585.)

To the Session Judges in the North Western Provinces and Saugor and Nerbudda Territories, and the Commissioner of Kumaon.

The Circular Order of the Nizamut Adawlut, No. 233, dated 8th May, 1820, requires, that in cases of persons convicted of having committed any penal act, while under the dominion of insanity, the Session Judges shall invariably submit their proceedings, together with the Magistrate's proceedings held on the commitment of the Prisoner, to the Nizamut Adawlut "for revision and final sentence," provided that the crime charged in the indictment be such, as would render a reference to that Court necessary.

2. The Court, having, in consultation with the Nizamut Adawlut for the Lower Provinces, reconsidered the principle of this Circular Order, are of opinion that it is based on an incorrect view of Law, and opposed to proper judicial practice. It is a Maxim of English Law, that insanity incapacitates from crime, and in the 6th paragraph of Circular Order Nizamut Adawlut, No. 307, dated 11th February, 1825, in accordance with this maxim it is remarked, that "satisfactory proof of insanity at the time of the act being committed, as it would preclude the imputation of guilt, must also exempt the insane person from conviction and punishment:" regarded in this light, a finding of insanity at the time of the deed being committed, is tantamount to a declaration of the innocence, and necessarily to be followed by a sentence of acquittal in favor of the prisoner, and renders the reference of the trial for the "final sentence" of the Nizamut Adawlut superfluous, since, Session Judges being competent to determine the value of evidence, and empowered, on finding it insufficient, to acquit finally prisoners arraigned for offences, punishable only by the Nizamut Adawlut, must by parity of reasoning be held equally competent to pass sentence of acquittal on persons found to have committed penal acts, while in a state of mental aberration, even though the power to punish the perpetration of such acts by responsible agents rest only with the Nizamut Adawlut.

3. On these grounds it has been held by the Courts of Nizamut Adawlut for the North Western and Lower Provinces, that a judgment of the nature above mentioned, that is of a party having committed a penal act, while in a state of insanity, is equivalent to a final sentence of acquittal, and that such sentence pronounced by

a Session Judge being legally intangible and irreversible by the Nizamut Adawlut, precludes the necessity of a reference of the trial to that Court for judgment in regard to the guilt or innocence of the Prisoner.

4. In modification, therefore, of the Circular Orders quoted marginally,* the Court are pleased to determine, that Session Judges shall be held empowered to acquit finally all parties, proved to have committed penal offences while laboring under insanity, and shall be required only to report such cases for the orders of the Court in regard to the future safe custody of the Prisoner, whenever the crime charged may be such, as if committed by a responsible agent, would have rendered a reference to the Nizamut Adawlut, necessary. On receipt of these orders sentence will issue in the Form prescribed by Circular Order Nizamut Adawlut, No. 62, dated 4th September, 1840.

* Circular Order Nizamut Adawlut, No. 233, dated 8th May, 1820.
Circular Order, No. 307, dated 11th February, 1825.

G. F. EDMONSTONE,
Register.

Agra, the 27th September, 1844.

ABSTRACT.

In modification of Circular Orders, No. 233, dated 8th May, 1820, and No. 307, dated 11th February, 1825, Sessions Judges empowered to acquit finally parties proved to have committed penal offences while laboring under insanity.

(No. 1688.)

To the several Sessions Judges in the North Western Provinces.

The Court, having reason to believe that Session Judges, in awarding sentence on conviction of the offence of affray attended with Homicide, do not pay attention to the provisions of Regulations II. 1823, and VI. 1828, direct me to desire that whenever in such cases a sentence less than 5 year's imprisonment may be awarded you will invariably insert in your remarks on the trial that the affray was not pre-meditated on both sides.

G. F. EDMONSTONE,
Register.

Agra, the 11th October, 1844.

ABSTRACT.

Directs Session Judges in awarding sentence under 5 years imprisonment on conviction of affray with Homicide, to insert in remarks on trial that the affray was not pre-meditated on both sides, with reference to Regulations II. 1823, and VI. 1828.

NOTIFICATIONS

OF THE

SUDDER DEWANNY AND NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

(No. 442.)

The following amended Translation of Circular Order, Sudder Dewanny Adawlut, No. 306, date 10th, and published in the *Government Gazette* of the 27th ultimo, is promulgated by order of the Court, with a view to prevent misconstruction, which the terms used in the original version, to represent "judicial functionaries," may possibly induce.

G. F. EDMONSTONE,
Register.

Agra, the 16*th March,* 1844.

نمبر ۳۰۶

ملك مغربي كے حاكمان ديواني كے نام

به تعميل ارشاد جناب لفٹننٹ گورنر ملک مغربي كے صدر ديواني عدالت كے حاكموں كا يهه حكم صادر هوتا هى كه كوئي خزانچي جو كسي ضلع يا شهر كي عدالت ميں ملازم هو كسي حيلے سے حاكم صاحب تجويز غيرمتعهد كو جو عدالت مذكور كي حكومت كے تابع هو قرضه نه ديا كرے اور واضح كيا جاتا هى كه اگر اس ممانعت كے خلاف عمل ميں آويگا تو كيا لينے والا اور كيا دينے والا قرضه كا دونو مستوجب معزولي كے هونگے ٭

مقام آگرة

جي ايف ايڈمنسٹن

۱۰ فبروري سنه ۱۸۴۴ ع

رجسٹر

خلاصه

اس بات كے امتناع كے باب ميں كه ضلع يا شهر كي عدالت كے خزانچي اُن حاكم صاحب تجويز غيرمتعهد كو جو اپني عدالت كے تابع هوں قرضه نديا كريں ٭

فرهنگ

حاكم صاحب تجويز غيرمتعهد يعني صدرامين اعلى اور صدرامين اور منصف بلاتخصيص قوم

G. F. EDMONSTONE,
Register.

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(No. 1506.)

In pursuance of the orders of Government, the following Rules, passed for the guidance of Moonsiffs, vested with criminal powers in the District of Goruckpore, are published for general information. The Court notify that these rules have application to Goruckpore exclusively, and are not intended to be uniformly adopted in all Districts the Moonsiffs of which may hereafter be authorized to exercise Criminal Jurisdiction.

G. F. EDMONSTONE,

Agra, the 16th September, 1844. *Register.*

Memorandum of Proposed Rules for Moonsiffs in the Disposal of Business of a Criminal nature in Goruckpore District.

1. Moonsiffs should bear in mind that the main objects of investing them with powers to exercise criminal justice are to give relief to an agricultural population, in an extensive District, to deter people from perpetrating those petty offences, which too often lead to heinous crimes, and which even when detected, pass often unpunished because of the great inconvenience of prosecution; and to give to the Magistrate and his Police Officers the aid of the judgment of Government servants, who have received a Judicial education.
2. All cases, which Police Officers are allowed to investigate without previous reference to the Magistrate, in which they consider the parties accused to be guilty, and not meriting a heavier sentence than the Moonsiffs are competent to pass under Regulation IX. of 1807, shall be forwarded direct by the Police, through the Darogah or Tehseeldar for trial by the Moonsiff, within whose jurisdiction the offence may have been perpetrated.
3. The Chellans in such cases, in all respects as they are now transmitted to the Magistrate, shall be sent to the Tehseeldar, with a separate "uruz dast" according to the Form 1, in which the Police Officer shall note his opinion that the case is within the cognizance of the Moonsiff, and shall faithfully record the date and hour of the Chellan being forwarded—a duplicate of this "uruz dast" shall always be sent to the Magistrate on the same day by the Police Dawk.
4. The Tehseeldar on the receipt of the Chellan shall open the packet, and after perusal of the subordinate Police Officer's opinion unless he shall perceive very sufficient grounds to differ from it, shall forward the "uruz dast" having merely affixed his seal or signature to it, and having noted the date and hour of arrival to the Moonsiff for his information.
5. The Moonsiff on the receipt of the "uruz dast" will note thereon, the hour it will be convenient for him to try the case, and return it by the bearer.
6. At the hour fixed by the Moonsiff, the Tehseeldar will forward the papers of the case and all the parties to the Moonsiff's office.
7. The Moonsiff will immediately peruse the Thannah papers, and will then cause the deposition of the Prosecutor and of his witnesses to be taken on solemn affirmation in his own presence by one of the officers of his own establishment. He will compare these depositions with those given by the parties before the Police, and will be careful to note any discrepancies which may be found to exist. The Prisoner will then be allowed to put any questions he likes to the Prosecutor and his witnesses through the Moonsiff. After this will follow the defence of the Prisoner, and then the evidence for the defence on solemn affirmation, the prosecutor being at liberty to cross

examine the Prisoner's witnesses through the Moonsiff. Should any further evidence, beyond that contained in the Thannah record, be deemed necessary the Moonsiff will call for such through the Tehseeldar, and when the whole of the proceedings have been completed, the Moonsiff will proceed to pass judgment.

8. If the Prisoner be convicted of theft, and the Moonsiff is of opinion, that the case requires punishment by stripes, or by a longer term of imprisonment, than he is competent to adjudge under Section 20, Regulation IX. of 1807, he will record in his final proceeding his opinion to that effect, and will forward the Prisoner, together with his proceedings on the trial, through the Tehseeldar, to the Magistrate, who after perusal of the necessary papers will pass such sentence on the Prisoner as he may deem just and proper. The Moonsiffs will bear in mind that the adjudgment of corporal punishment against juvenile offenders convicted of theft of property, not exceeding Rupees 50 in value, is imperatively required by the Act above cited, and that all case of theft as above, in which juvenile offenders are implicated must, as of course, be forwarded to the Magistrate, if the Moonsiff's opinion be for conviction.

9. In cases of acquittal all parties are immediately to be released, and the Tehseeldar must give a certificate of the hour and date of the termination of the case on the "uruz dast." The papers of the case will be sent to the Magistrate by dawk.

10. In cases of conviction, stolen property, if any, and duly recognized, shall be restored to the owner, and all parties, save the accused, shall immediately be released as above. The Moonsiff will record his judgment, and sentence, either prescribing punishment or referring to the Magistrate, in a brief Roobakaree, which he will sign and hand to the Tehseeldar's officer in attendance, who will take the charge of the prisoner and the papers of the case.

11. The Tehseeldar will then sign a receipt for the Prisoner in the Form 2, and having had a descriptive roll prepared, Form 3, of the Prisoner, will forward him, and all the papers of the case, the "uruz dast" having as above the certificate shewing when the case terminates, to the Magistrate.

12. In cases of postpon ement for further evidence, the Moonsiff will return the Prisoner for custody with a Roobakaree to the Tehseeldar, who will direct his subordinate Police Officers to carry the injunctions contained in it into effect without delay, and on receipt of fresh evidence will bring the Prisoner before the Moonsiff, as before.

13. In cases of postponement, Moonsiffs should be careful to specify, what parties may be released at once, and who are to remain pending further investigation.

14. Particular attention will be paid to the "uruz dast" upon which every stage of the case must be noted down with accuracy. The Magistrate will hold the Tehseeldars responsible for the observance of this rule.

15. As it is the present duty of the Tehseeldars to report to the Magistrate, all irregularities and informalities in the proceedings of the subordinate Police Officers, so it will hereafter be their special duty to report every case forwarded by the Police Officers to the Moonsiffs, of which the investigation has not been complete, and has therefore rendered postponement of trial necessary.

16. The remarks, which Moonsiff's may think fit to offer upon any case tried by them, whether in commendation or censure, or suggesting improvements,

must invariably be recorded in a separate Roobakaree, and may be sent separately under cover to the Magistrate.

17. The separate Roobakarees of the Moonsiffs to the Magistrate will always, after perusal, be submitted to the Sessions Judge, and of all Roobakarees, which the Magistrate may deem it expedient to send to the Moonsiffs, copies will similarly be forwarded to the Sessions Judge.

18. As a general rule to guide, all cases of petty larceny, in which the value of the stolen property does not exceed 25 rupees, should be forwarded to the Moonsiffs for decision.

19. The sentence passed by the Moonsiff will take effect from the date of that officer's decision.

20. The same routine will be observed in those cases, which the Magistrate or Joint Magistrate may authorize the Police Officers to investigate, and make over upon completion, for the judgment of the Moonsiff.

21. In cases forwarded to the Moonsiffs at the discretion of the subordinate Police Officers, or instituted before them, or referred to them by the Magistrate or Joint Magistrate, they are authorized to receive petitions from parties to file them with the other papers of the case, and to direct the attendance of parties not present, such as fresh witnesses or persons accused but not forwarded by Police Officers. But on such petitions no investigation, foreign to the matter actually pending, can be made.

22. All cases not cognizable by the Police, but coming within the provisions of Section 8, Regulation VI. of 1803, such as complaints of calumny, abusive language, inconsiderable assaults or affrays, shall be heard by the Moonsiff, in whose jurisdiction they may have occurred, without previous reference to the Magistrate, or Joint Magistrate, provided the prosecutor appear, in person, and present his Petition to the Moonsiff on stampt paper.

23. The Moonsiffs will cause the deposition of the prosecutor to be taken in his presence on solemn affirmation, after which he will issue to the Tehseeldar his precept directing the attendance of the prosecutor's witnesses, and after this, should he be satisfied of the truth of the charge preferred, and that the same is within his cognizance finally to dispose of, he will summon the accused party and his witnesses through the Tehseeldar and will proceed to pass judgment after having carefully recorded the defence and dipositions as provided for in rule 7.

24. All fines levied by the Moonsiff in the exercise of criminal justice will be handed to the Tehseeldar and remitted to the Magistrate, separately from fines imposed in Civil jurisdiction.

25. Should Moonsiffs have occasion to address Tehseeldars they will correspond by Roobakaree.

26. The precepts and summonses of the Moonsiff can only be executed through the Tehseeldar and his subordinate officers, and if the trial of the Prisoner be on any account postponed, the Prisoner must be returned to the Tehseeldar's Havilaut for safe custody.

27. The Tehseeldars will indent upon the Magistrate for such country paper as may be required for the Moonsiff's proceedings in criminal cases, and a sufficient supply of covers will be forwarded to the Moonsiffs for any papers and proceedings they may have occasion to transmit to the Magistrate.

28. The Moonsiffs should transmit a Monthly Register, Form No. 4, of all cases, received from Police Officers, and of all cases referred to by the

Magistrate and Joint Magistrate, and a Form, No. 5, of Petitions preferred to them by parties themselves direct, and with a view to obviate the inconvenience which would arise from Petitions regarding the same matter being preferred at the same time in the local and the Magistrate and Joint Magistrate's Courts, the Moonsiffs will be required to forward daily to the Magistrate a Diary, Form No. 6, exhibiting particulars of each case forwarded, and each Petition presented, to them direct, together with the order passed thereon.

29. Tehseeldars will transmit monthly registers of cases forwarded through them either by the Magistrate and Joint Magistrate, or the subordinate Police Officers in the same Form 4. To this an appendix will be added showing fines realized.

30. The Moonsiffs are requested to bring to the notice of the Magistrate all instances which may come before them of commendable activity on the part of the Village Police, and rewards to the latter shall be paid to them in the presence of the Moonsiff.

FORM No. 1.

Uruz Dasht Thannah Circle

Number of A. D. 1844.	Names of Plaintiff and Defendant.	Charge.
1	Ram Sing, son of ——versus—— Doolum son of———	Theft of crops of Plaintiff's field, by night, value 3 4.

I, Roostum Alee, Naib Darogah, certify that I consider this case to be within the cognizance of the Moonsiff of the circle.

SIGNATURE.

Chellaun forwarded	Date	Hour	Signature	of Naib Darogah.
Ditto recd. and forwarded to Moonsiff	Ditto	ditto	ditto	of Tehseeldar.
Ditto to be brought for trial	Ditto	ditto	ditto	of Moonsiff.
Ditto postponed	Ditto	ditto	ditto	of Tehseeldar.
Ditto trial terminated	Ditto	ditto	ditto	of Tehseeldar.

FORM No. 2.

Tehseeldar's Receipt to Moonsiff.

No. of year 1844.	Tehseeldar's Certificate.

1. Certified that Doolum, son of Birrot, convicted by the Moonsiff of Circle of the offence of and sentenced to has this day been received to be forwarded to the Magistrate at Goruckpoor.
Date Seal or Signature of Tehseeldar

FORM No. 3.

Descriptive Roll of a Prisoner sentenced by the Moonsiff of Circle

From what Thannah.	No. of the year 1844.	Name of Prisoner and his father.	Offence and sentence.	Descriptive Roll.

Insert the name of the Burkundaze in charge.

FORM No. 4.

Monthly Register of cases forwarded under Section IX., Regulation VI. of 1803, to Moonsiff of Circle No.

By whom forwarded.	Thannah and No. for the year.	Names of Parties.	Charge.	Number of Persons tried.	Acquitted.	Convicted.
By Magistrate or Joint Magistrate; Total.						
By Police Officers; Total.						

Insert a memorandum of cases and parties, if any, under investigation at the end of the month.

FORM No. 5.

Monthly Register of cases preferred by parties themselves, direct to the Moonsiff under Section VIII., Regulation VI. of 1803.

No. for the Month.	Date of Presentation.	Substance.	Nature of the final order passed.	Remarks.
1	17th Feby.	Marpeet.		No. 13 of Register 4.

Statement No. 6, Dairy of Bansgaon Moonsiff's office cases received from the Tehseeldar of

Date of receipt.	From what Chokey or Thannah.	Names of Prosecutors and Prisoners.	Crime.	Order passed.

Cases instituted before and Petitions perferred direct to Moonsiff of

Date of presentation of Petition.	Petitioner's residence, name of village and in what Thannah or Chokey situated.	Names of parties.	Abstract of Complaint.	Order passed.

(Signed) P. H. PIDCOCK,
Session Judge.

True Copy.

G. F. EDMONSTONE,
Register.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

[FOR THE YEAR 1844.]

REVENUE NOTIFICATION.*

By the Sudder Board of Revenue, North Western Provinces.

(LEAVE OF ABSENCE, for Uncovenanted Deputy Collectors—Application for, to state whether a year has expired since last allowed.)

Commissioners of Revenue are requested, in all future applications for leave of absence to Deputy Collectors under Regulation IX. of 1833, to state, whether twelve months have elapsed since the expiration of the absence last sanctioned.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Agra, the 5th January, 1844. *Secretary.*

CIRCULAR ORDER No. I. OF 1844.

REMISSIONS OF JUMA. in settled Mehals, being proposed, the Balance Statement must shew the necessity and references must be complete.

With reference to the extract from an Order of Government, quoted† in the margin, the Sudder Board of Revenue, North Western Provinces, request that Commissioners of Revenue will be careful to have all statements of balances, on which remissions of jumma in settled Mehals, are recommended for the sanction of Government, so prepared—as to shew distinctly in the columns of remarks, the actual necessity of the remission, and submit therewith any correspondence requisite, to complete the proof that the demand should not be enforced, or cannot be realized either immediately or at a future period.

† EXTRACT.

G. O., N. W. P., No. 615 of 1844.

Dated 10 *February.*

3. The Board are requested to impress upon the Local authorities, that the proposal to remit a real balance in a settled Mehal is no light proceeding, which can at once be sanctioned on a cursory remark in a Tabular Statement.

4. The Lieut-Governor is prepared to remit a balance whenever its demand would be unjust or impracticable, but the proof must be complete.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,

Agra, the 20th February, 1844. *Secretary.*

* *Notifications*, relate to subjects of less importance, or of less permanence, than those of *Circular Orders*: and of these latter there are two descriptions, one class distinguished by a series of numbers, being such as at the time of issue appeared in the Gazette, and the other marked with letters in alphabetical order, which were issued in manuscript.

Circular Order No. A. of 1844.

[Consisted merely of a Docket forwarding the following Extract for the information and guidance of six Commissioners.]

Extract, Paragraphs 2 to 5, from the Orders of Government under date 28th March, 1844, No. 1155.

Para. 2. I am, at the same time, desired to call the attention of the Board to the remarks of the Collector of Mynpoory, as given in the margin,* upon the proposed transfer of a puttee in Mouzah Nibouree, Pergunnah Sirpoorah.

PUTTEES, in Balance to be transferred or farmed or (these failing) sold on the highest bid above the balance, but no bid is to be made for Government, and if sale is not completed, entire village becomes responsible and should be farmed or sold.

* "The practice, moreover, of buying in puttees for Government has increased the difficulty of effecting Putteedaree transfers as there is not of course in such cases the same inducements to the solvent Putteedars to come forward, as would be the case if the Mehal were held responsible.

3. On this passage it may be remarked, that the cases are rare in which it is wise to buy in a puttee on account of Government. Upon the occurrence of an arrear, due from a particular share of an Estate, the Collector should first attempt its recovery by the farm or transfer of that share, or by personal process against the defaulter. If these attempts fail of success, the share should be put up to auction and sold, if possible, to the highest bidder, above the amount of the balance. But at this sale, the Collector should refrain from bidding on the part of Government, and, if no offer should be made, which would cover the balance, the sale should be left incomplete. The Collector should then proceed to hold the entire Village jointly responsible for the amount due, and should bring it to farm or sale, as may be found necessary.

4. It is of course understood, that the demand must be in itself just, and such as ought to be rigorously exacted.

5. The principle of holding the entire body of proprietors responsible for the balance against the Mehal after the failure of all efforts at realization from the individual defaulter, is an essential incident of the tenure, and is recognized by Section 10, Act I. of 1841. The Board are consequently requested to see that the erroneous system, alluded to by the Collector of Mynpoory, be corrected, if it be found still to exist in that, or in other places.

(True Extract)

H. M. ELLIOT, *Secretary.*

Sudder Board of Revenue, N. W. P.
12th April, 1844.

Circular Order No. B. of 1844.

The following Extracts from orders of Government, No. 1442, dated 19th April, containing Rules for the conduct of Officers employed in investigating causes of Balance previous to proposal of remission, are forwarded, for the information and guidance of all Revenue Officers.

[Remissions of Juma.—Rules given relative to investigation of cause of Balance preparatory to proposing]

H. M. ELLIOT, *Secretary.*

Sudder Board of Revenue, N. W. P.,
Agra, the 23rd April, 1841.

ANNEXURE.

Extract, paragraphs 3rd, 4th, 5th, 6th, 8th, 10th, 11th, 12th, 15th, 16th and 17th, of Orders of Government, N. W. P., dated 19th April, 1844, No. 1442.

Para. 3. In a fairly assessed district, it is always supposed that the accidental losses of one season will be set against the supposed gains of another season. It is in such a case no light matter to propose a remission of the public demand. The proposal, unless it rests upon very sufficient grounds of extraordinary calamity, supposes error and failure of the Settlement, or else, incapacity on the part of the Collector.

4. In this case, however, the occurrence is treated as one of little account. On April 25th, Hail is reported to the Collector to have fallen and to have done some injury, but no reduction of revenue was anticipated, and yet on June 14th, an application was received from the Pergunnah for remission of Revenue to the amount of 10,426 Rupees.

5. On April 25th, the Rubbee Harvest must have been cut, and either the report of that date was correct, or the Collector was in a state of great ignorance regarding circumstances essentially affecting the prosperity of his district. On the former supposition, this reference is unfounded; on the latter, doubt must attach to the subsequent representations of an Officer, who possessed in the first instance such incorrect information.

6. But after the Collector had committed himself by such a representation on April 25th, it would have been satisfactory to have found that, on receiving reports different from what he anticipated, he had subjected those reports to the severest scrutiny. Ample means for so doing were at his disposal. One Joint Magistrate and Deputy Collector, two Deputy Collectors under Regulation IX. 1833, and an assistant, were all at his command, even if he did not feel it incumbent on him to enquire personally into circumstances which would contradict his own previous assertions. The Pergunnah was at no great distance from the station, access to it was easy, the season was not so inclement, but, that on a call of duty, the little inconvenience which a personal visit might have involved, should have been unhesitatingly incurred.

8. But even when reminded by the Commissioner's letter of November 29th, of the very false position in which he had placed himself, the Collector failed to treat the subject with that care, which its importance demanded.

10. It is observable that in the Statement which purports to give an account of the damage sustained in each Village, the whole of the land injured by the Hail storm, is set down as "entirely destroyed." This seldom occurs even in the most violent hail storms, and is not likely to have occurred in one, which was thought so light of when first reported.

11. The Lieutenant Governor cannot consider the facts stated by the Collector to be sufficient to warrant the grant of remission of the public demand. They rather appear to afford presumption that the Hail storm was made a convenient pretext for avoiding enforcement of that demand.

12. In making proposals of this nature, it is necessary first to be sure of the real fact and extent of the injury; then of the degree in which it affects the cultivators and the Malgoozars, if indeed the Malgoozars are not themselves cultivators; then, of the manner in which the Government demand presses on the people, of their resources, of the probability of their being able to pay

in future seasons, if the demand be suspended:—of all the circumstances in short which render the absolute remission of the sum necessary or politic. The remission may possibly be requisite, and whenever a Collector comes forward with an earnest desire for the welfare of the people entrusted to his charge, proves that he has omitted no personal exertion to satisfy himself of the necessity of the case, and fully states the ground of his recommendation, the Government has ever shown itself prepared to listen to such a proposal, and to grant the required relief.

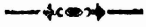
15. Harshness and severity in the exaction of an exorbitant demand must always be avoided. But this obligation must not be admitted as an excuse for carelessness, and for neglecting to examine fully the circumstances of each case as it arises. When a balance occurs, to whatever causes it may be attributed, it is necessary for the Collector to prove that he has omitted no effort fully to investigate the assigned cause, and to satisfy himself of its reality. The mere existence of balances in a district is not in itself discreditable to a Collector. But it is most discreditable when these Balances exist, if a Collector is found to be insensible to the importance of the subject, and to have failed to put forth all his powers to lay open the true causes of default.

16. The Lieutenant Governor earnestly hopes, that the Sudder Board of Revenue will exert themselves in the assertion of this principle, and in enforcing a corresponding course of conduct.

17. In the present instance, the Lieutenant Governor finds himself unable to grant the proposed remission without further enquiry and fuller information. Much of the opportunity for enquiry is irretrievably lost, but still the Collector may be called upon to report what he has found to be the state of the Pergunnah during the tour of inspection which he promised to make; what reason exists why the deficiency of last year should not be made good in this or in the succeeding years; and what prospect there is that in every year, in consequence of some accidental occurrence of this nature, the Government may not be again called upon to make similar sacrifices. It is possible that closer investigation may show remissness, fraud, or even embezzlement, on the part of the Pergunnah Officers.

(True Extract)

H. M. ELLIOT,
Secretary.



Circular Order No. III. of 1844.

The Sudder Board of Revenue, North Western Provinces, having, in conformity with the orders of Government, accepted the Tenders of the Committee of the Agra Orphan Institution for the Printing of all Tabular Forms required in the Offices subordinate to their control, the annexed Tables of rates and extracts from the conditions, are published for general information.

[Tabular Forms to be obtained according to subjoined Contract from the Agra Orphan Press alone.]

2. The Notification in the Revenue Department, No. 2, dated 17th January, 1843, published in the *Agra Gazette*, No. 5, dated 31st idem, is hereby cancelled.

H. M. ELLIOT,
Secretary.

Agra, the 26th April, 1844.

SCHEDULE APPENDED TO THE BOND OF CONTRACT.

The following are the rates to be charged by the Superintendent of the *Agra Orphan Press* for the Printing of Forms or Tables indented for by Officers in the Revenue and Customs Departments of the North Western Provinces, during the currency of the contract specified in the foregoing Bond, viz.

Table of Rates of setting up or composing in TYPE, *each page of each Permanent Form and of Press work for Printing every hundred Copies.*

Size in superficial inches, of each page.	*Setting up of each Page.*				*Press work for every hundred Copies.*			
				MIXED.	FORM OF			
	English.	Persian.	Nagree	English with Persian or Nagree or Persian with Nagree.	1 Page.	2 Pages.	3 Pages.	4 Pages.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A P.	Rs. A. P.
Up to 40	1 0 0	0 8 0	0 8 0	0 12 0	0 1 6	0 3 0	0 6 0	0 6 0
40 to 60	1 8 0	1 0 0	1 0 0	1 4 0	0 2 0	0 4 0	0 8 0	0 8 0
60 to 80	2 0 0	1 8 0	1 8 0	1 12 0	0 3 0	0 6 0	0 12 0	0 12 0
80 to 100	2 8 0	2 0 0	2 0 0	2 4 0	0 4 0	0 8 0	1 0 0	1 0 0
100 to 120	3 0 0	2 8 0	2 8 0	2 12 0	0 5 0	0 10 0	1 4 0	1 4 0
120 to 140	3 8 0	3 0 0	3 0 0	3 4 0	0 6 0	0 12 0	1 8 0	1 8 0
140 to 170	5 0 0	4 0 0	4 0 0	4 8 0	0 8 0	1 0 0	2 0 0	2 0 0
170 to 200	6 0 0	5 0 0	5 0 0	5 8 0	0 10 0	1 4 0	2 8 0	2 8 0
200 to 240	7 0 0	6 0 0	6 0 0	6 8 0	0 12 0	1 8 0	3 0 0	3 0 0

Table of Rates for writing and transferring each page of each Permanent form by the Lithographic process, and of Press work for Printing every hundred Copies.*

Size in superficial inches of each page.	*Transferring each page.*				*Press work for every hundred Copies.*			
				MIXED.	FORM OF			
	English	Persian.	Nagree.	English with Persian or Nagree or Persian with Nagree.	1 Page.	2 Pages.	3 Pages.	4 Pages.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P
Up to 40	1 0 0	0 8 0	0 8 0	0 12 0	0 4 0	0 8 0	1 0 0	1 0 0
40 to 60	1 8 0	0 12 0	0 12 0	1 0 0	0 6 0	0 12 0	1 8 0	1 8 0
60 to 80	2 0 0	1 0 0	1 0 0	1 8 0	0 10 0	1 4 0	2 8 0	2 8 0
80 to 100	2 8 0	1 4 0	1 4 0	2 0 0	0 12 0	1 8 0	3 0 0	3 0 0
100 to 120	3 0 0	1 8 0	1 8 0	2 8 0	0 14 0	1 12 0	3 8 0	3 8 0
120 to 140	3 8 0	1 12 0	1 12 0	3 0 0	1 0 0	2 0 0	4 0 0	4 0 0
140 to 170	4 0 0	2 0 0	2 0 0	3 8 0	1 8 0	3 0 0	6 0 0	6 0 0
170 to 200	5 0 0	3 0 0	3 0 0	4 0 0	1 12 0	3 8 0	7 0 0	7 0 0
200 to 240	6 0 0	4 0 0	4 0 0	5 0 0	2 0 0	4 0 0	8 0 0	8 0 0

* Forms printed from Type are always to be used unless for special reasons.

Table of Rates for setting up or composing in TYPE, *or for transferring by the Lithographic process, each page of each* OCCASIONAL FORM.

Size in superficial inches of each page.			Setting up or transferring each page.			Press work for every hundred copies.
			Rs.	As.	P.	
Up	to	40	0	6	0	
40	to	60	0	9	0	
60	to	80	0	12	0	
80	to	100	0	15	0	As for Permanent Forms.
100	to	120	1	2	0	
120	to	140	1	5	0	
140	to	170	1	8	0	
170	to	200	1	14	0	
200	to	240	2	4	0	

CONDITIONS.

1st. All the forms printed at the *Orphan Press* for Government, under the present contract, shall be unexceptionable as to accuracy and neatness, and generally as to goodness of workmanship.

2nd. The charge shall be made but once in each year for setting up or composing in Type, or for writing and transferring in the Lithographic process any *Permanent Form*, that is, one of which not less than a thousand copies are required in the year, but for *Occasional Forms*, of which not more than a thousand copies are required at once, such charge shall be made on each Indent.

3rd The rates above specified are exclusive of Paper, Packing and Carriage.

4th. Paper supplied by us or from the *Orphan Press*, shall be charged at the actual cost with a commission of 5 per cent, in those cases only in which the paper by being obtained by us from another station is exposed to loss and damage while in transit; and for any paper supplied by Government a true and faithful account shall be rendered,—that is to say, the whole paper shall be printed as described in condition first, and delivered on Indents, excepting one sheet in every hundred sheets supplied to us; and for all paper supplied to us and not so accounted for, we agree to pay the price fixed or charged by Government.

5th. Within two weeks from the time when an urgent Indent is received by us, the first 500 copies of each Form, therein specified, shall be completed ready for despatch to the Officer requiring them; in the next two weeks a further supply of 2,000 copies, shall be so completed; and in each subsequent period of thirty days 10,000 copies more, till the whole amount indented for be so completed; and in like manner each indent not specified as urgent shall be so supplied, that half the number of the copies indented for, will be despatched in a time not exceeding two months from the date the approved forms have been received, and within two additional months the whole indent shall be completed. These conditions to be fulfilled in the case of each indent (apart from the penalty or penalties specified and provided for in the foregoing bond) under the penalty of our paying to the Sudder Board on their demand any Sum not exceeding the Sum of Two Hundred Company's Rupees, and also of paying the charges made by any other press for performing any work which we have failed to complete in conformity with the above conditions.

6th. Provided always that we and those under our control in the Orphan Press shall not be prevented from completing the Forms required by reason of Fire or any other great natural calamity not wilfully caused by us, nor subject to our control, nor at the time remediable by us, and being such as shall make it impossible for us with our best endeavours to fulfil the conditions of the foregoing Bond and this Schedule, in which case we shall not be liable to any Penalty while the effects of such calamity shall continue irremediable by us.

7th. The Sizes of the Forms will be regulated by the Board, to whom any new Form required by Officers subordinate to them must be sent by us for approval before they are printed.

8th. The delay occasioned by sending the Forms to the Board for approval will be brought into account and added to the time allowed in Condition 5, for printing them.

True Copy.

H. M. ELLIOT,
Secretary.

CIRCULAR ORDER No. IV. OF 1841.

The following instructions are issued for the guidance of Collectors of Revenue, in pursuance of the Circular Orders of the Sudder Dewanny Adawlut, North Western Provinces, No. 759, dated 2nd May, 1844, published in the *Agra Gazette* of the 21st idem, No. 2021.

[REQUISITIONS OF CIVIL COURTS on being received, Collectors should insert in the 4th column of Statement the measures taken to give them effect.]

2nd. On receipt of the quarterly Report of requisitions described in the above mentioned Circular, Collectors will be pleased to insert in the 4th column of the Statement the measures they have taken for giving effect to the requisitions of the Civil Courts, instead of leaving that entry to be made by the Zillah Judges, as is found to be the practice in some districts. Having made the requisite entry, the Collectors will return the Statement to the Zillah Judge, duly attested by their signature, within 15 days from the date of receipt.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Agra, the 28th May, 1844,

CIRCULAR ORDER No. F. OF 1841.

FROM H. M. ELLIOT, ESQ.,
Secy. Sudder Board of Revenue, N. W. Provinces.

TO ALL COMMISSIONERS OF REVENUE,
NORTH WESTERN PROVINCES,
Dated Agra, the 31st May, 1841.

Sir,

[CIVIL AND REVENUE JURISDICTIONS, when requiring re-arrangement, the judges should be afforded every assistance in carrying out the Orders of the Sudder Court and Government.]

With reference to the accompanying correspondence, of which a copy is forwarded for your information, I am directed to request that you will desire the Collectors of your division to afford

REVENUE.
Present.
T. J. Turner, Esquire, Senior Member and
H. S. Boulderson, Esquire, Junior Member.

all the aid and co-operation in their power to the Civil Judges, in re-arranging their jurisdictions according to the orders of Government and the Sudder Dewanny Adawlut.

2nd. The Judges should be allowed free access to the Maps and other Records in the Collector's Offices, shewing the nature and extent of the present Revenue Jurisdictions.

3rd. I am desired at the same time to forward a set of blank Maps, which you will be good enough to return when all the arrangements are complete, showing the exact boundaries of each Division, and using different colours to show fiscal and Judicial boundaries wherever they do not coincide.

4th. The sites of the Tehseeldarees, Thannas, and Moonsiffees, should of course be distinctly shewn on the Map.

Sudder Board of Revenue,
North Western Provinces,
Agra, the 31st May, 1844.

H. M. ELLIOT,
Secretary.

APPENDIX No. I. TO C. O. F OF 1844.

"No. 890.

FROM G. F. EDMONSTONE, ESQ.,

Register Sudder Dewanny Adawlut, N. W. Provinces,

TO H. M. ELLIOT, ESQ.,

Secy. to the Sudder Board of Revenue,

NORTH WESTERN PROVINCES, AGRA.

Dated Agra the 14th May, 1844.

Sir,

With reference to your letter No. 15, dated 26th ultimo, I am directed to forward copy of a Circular Order, addressed under this date to the several Civil Judges in the North Western Provinces, and to request, that the Sudder Board of Revenue will have the goodness to communicate instructions to the Collectors, corresponding with the purport of the 5th Paragraph of the annexure.

S. D. A., N. W. P.
Present.
B. Tayler, Esq.,
G. P. Thompson, Esq., and
J. Davidson, Esq.,
Judges.

2. The Court further request, that the Collectors of the Districts named in the margin,* may be directed to report to the Judges, whenever the adjustment of Zillah Boundaries, and Tehseeldaree Divisions, may have been completed and received the sanction of Government.

* Bhutteeanah, Paneeput, Rohtuck, Deyrah Dhoon, Boolundshuhur, Kumaon Division, Muttra, Cawnpore, Humeerpoor, Jounpore, Mirzapoor, Benares.

G. F. EDMONSTONE.
Register."

Agra, 14th May, 1844.

APPENDIX No. II. TO C. O., F OF 1844.

"CIRCULAR No. 853.

To the Zillah and City Judges in the North Western Provinces.

S. D. A., N. W. P.
Present
. Tayler, Esq.,
G. P. Thompson, Esq., and
J. Davidson, Esq.,
Judges.

In fulfilment of instructions lately received from Government, the Court are pleased to direct the attention of the several Zillah and City Judges in the North Western Provinces, to the Resolution of Government, dated 30th October 1837, and to request, that they will take immediate measures, in concert with the Revenue authorities, to adjust the Jurisdictions of the Moonsiffs, subordinate to them, in accordance with the principle set forth in the 30—33 paragraphs of the Resolution alluded to.

2. The *objects* contemplated by this adjustment seem to be.

1stly. The assimilation of subordinate Civil with subordinate Fiscal jurisdictions.

2ndly. The location of the Moonsiff's Court at the site of a Tehseeldaree, where also a Police station usually exists, whenever such may be practicable.

3rdly. The exclusion from the Civil jurisdiction of the Zillah Courts, of tracts or Villages, not included in the fiscal or the Criminal jurisdiction of the District, or Districts, composing the former.

3. The *principles*, by which the adjustment of the Moonsiffs' jurisdictions is to be regulated, will be found recorded in the 31st, 32nd and 33rd paragraphs of the Resolution of Government, dated 30th October 1837.

4. It is believed that in the Office of each Collector, are deposited correct maps of every Pergunnah, comprised within his District, and that all statistical information, essential to the revision, and re arrangement of the jurisdictions, of the Civil Courts in the manner above prescribed, may be acquired by reference to the records of the Judicial and Revenue offices:—the former will show the number of suits, which may be expected to arise in each Pergunnah, while from the latter may be ascertained the extent and character of the population in each Pergunnah, their social condition, and pursuits; and, with this information before them, the Judges, it is hoped, will find little difficulty in giving effect to the views of Government, as expressed in the Resolution and in the 2nd paragraph of this order.

5. The Sudder Board of Revenue have intimated their readiness to afford every assistance that may be required from them, and they will be accordingly requested to direct, that the Judges shall have free access to the maps and records above adverted to, and that the Revenue authorities co-operate cordially with them in effecting the objects proposed by Government.

6. The Judges will endeavour so to determine the limits of each Moonsiff's jurisdiction, as to make it correspond with that of one or more Tehseeldarees, or to comprise one or more integral Pergunnahs, relinquishing, in the new arrangement, all references, as heretofore observed, to the limits of Thanah or local Police jurisdictions.

7. The reports, which the several Civil Judges are hereby required to submit, after consultation with the Commissioners of their respective Divisions, within 6 months from the present date, should be accompanied by a sketch map, representing the Pergunnahs or Tehseeldarees comprised within each newly adjusted jurisdiction, and by a statement shewing the number of suits instituted in such jurisdiction during the last three years.

8. As the determination of the Moonsiffs' jurisdictions is declared by the Resolution referred to above, to be dependent on the prior demarcation of fiscal Divisions, a list of those Districts, in which the Revenue arrangements still remain incomplete, is inserted in the margin,* and the Judges of the Districts named, will be pleased to await a communication from the Revenue authorities, to the effect, that the revision of the Zillah Boundaries and Tehseeldaree Divisions, has been completed, and received the sanction of Government, before carrying out the foregoing instructions. To all others the order contained in the 7th paragraph, is to be considered applicable.

* Bhutteeanah,
Paneeput,
Rohtuck,
Deyrah Dhoon,
Boolundshuhur,
Kumaon Division,
Muttra,
Cawnpore,
Humeerpore,
Jounpore,
Mirzapore,
Benares.

(Signed) G. F. EDMONSTONE,
Register.

Agra, the 14*th May,* 1844.

ABSTRACT.

Directs attention of Zillah and City Judges, N. W. P. to Government Resolution, dated 30th October 1837, and requests they will, in concert with the Revenue authorities, take measures to adjust the jurisdiction of the Moonsiffs subordinate to them."

True Copy.

(Signed) H. M. ELLIOT,
Secretary.

CIRCULAR ORDER No. II of 1844.

FROM H. M. ELLIOT Esq.,
Secretary Sudder Board of Revenue, N. W. Provinces.

TO ALL COMMISSIONERS OF REVENUE IN THE NORTH WESTERN PROVINCES.

Dated the 11*th June,* 1844.

[SUITS FOR PUTWAREE'S WAGES, not to be entertained after lapse of one year, except on Special grounds, which are immediately after decision to be reported to Commissioner]

REVENUE.
Present.
T. J. Turner, Esq , Senior Member, and
H. S. Boulderson, Esq , Junior Member.

I am directed by the Sudder Board of Revenue, North Western Provinces, to request that the rule contained in the following paragraph regarding limitation of time of suit for realization of Putwarree's wages, may be adopted by the Collectors of your Division.

PARA: 2 OF GOVERNMENT ORDER, N. W. PROVINCES.
No. 2048 *of* 1844, *dated* 29*th May.*

2. With regard to your reference, His Honor remarks that, although there is no legal limit, other than that of 12 years, to the power of taking cognizance of suits brought before a Collector by Putwarries for arrears of wages, yet the analogy of the case points to the great inexpediency of hearing such cases after the lapse of one year from the origin of the cause of action. Collectors should be warned against granting remuneration in such cases, except on the very strongest grounds. It might also be a wise precaution, in the spirit of Section XXXV. of Regulation XII. of 1817, that,

in every case in which remuneration is awarded after the lapse of one year from the date when it fell due, an immediate special report be made to the Commissioner, setting forth the grounds on which the award was passed.

(Signed) H. M. ELLIOT,
Secretary.

Sudder Board of Revenue,
N. W. Provinces,
Agra, the 11th June 1844.

Circular Order No. V. of 1841.

[Farms of estates and transfers of putteeis,—General Rules regarding.]

The Sudder Board of Revenue North Western Provinces, with the sanction of Government, direct that the following rules be in future observed by Revenue Officers in cases of farms and transfers of shares of estates in the Districts of the North Western Provinces.

1. It has been found that the rules contained in Section IV. Circular Order No. II. regarding the transfers to farmers of the estates of defaulting Malgoozars are not sufficiently explicit. The following rules are therefore prescribed for the guidance of Revenue Officers in the enforcement of the process and are additional to and explanatory of the rules now in force.

2. Section 4, Regulation IX. 1825, is only applicable to estates which have not been settled in perpetuity, and is essentially different from the process prescribed by Clause 4, Section 17, Regulation VI. 1795, for the province of Benares, and by Clause 4, Section 17, Regulation XXVII. 1803, for the Ceded and Conquered Provinces.

3. In the Ceded and Conquered Provinces, the provisions of Section 4, Regulation IX. 1825, are held to have superseded those under Clause 4, Section 17, Regulation XXVII. 1803, and all Revenue Authorities are enjoined to proceed under the former, and not under the latter.

4. No Settlement shall be annulled by a Collector under Section 4, Regulation IX. 1825, till the expiration of one clear month, after the Kist has become due, and of 15 days after the issue, in the Collector's and Tehseeldar's Cutcherries, and on the estates of the defaulter, of the proclamation threatening annulment of lease.

5. The proclamation to be issued for inviting Farming offers should require payment, not only of the arrear due at the time of proclamation, but also of any subsequent Kist, which may fall due before the expiry of the term, and the Collector is authorized to decline tender of payment, unless the tender include the whole of the balance which may be due at the time it is made.

6. Payments in liquidation of the balance from the defaulter should be made in cash, but it is in the option of the Collector to receive in bar of annulment of lease, Rookas or other Securities, which he may consider adequate to ensure the early realization of the balance.

7. The Collector is authorized and recommended to give possession to a farmer immediately after annulment of the old lease, but the transfer shall not be considered final till confirmation by the Sudder Board of Revenue given after the expiration of one month from the date of annulment.

8. After confirmation so given by the Sudder Board of Revenue, the farmer shall not be liable to be disturbed for the period of his lease, unless the Government on the ground of hardship or injustice see reason to interfere and annul the farm and restore the estate to the proprietor.

9. The rules above given apply to the farm of an entire Mouza for the recovery of arrears, but they may be considered equally applicable to transfers under Act I. of 1841. These should be governed by the same rules and principles as transfers under Regulation IX. of 1825, and should be treated in all respects alike, save that, as regards the transfer of puttees, the arrear should be evidenced in the manner prescribed by Section 8, Act I. of 1841.

Special Rules for the Province of Benares.

10. The process under Clause 4, Section 17, Regulation VI. 1795, is the only one which can be enforced in the Province of Benares, and cannot be carried into effect till the end of the Fussilly year.

11. If a balance be due in the Province of Benares after the last Kist of the Fussilly year has fallen due, the Collector is authorized to dispossess the defaulter and let the lands in farm.

12. Before proceeding to let on lease the lands of the defaulter, the Collector shall issue a proclamation inviting farming tenders for the estate within the period of 15 days from the issue of the proclamation at the Collector's Cutcherry, and on the defaulter's estate.

13. If the balance be not paid within the period of 15 days, the Collector is authorized to let the estate in farm, and give possession to the farmer, but the transfer so effected will not be final till it has been confirmed by the Government.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Agra, the 14th June, 1841.

Circular Order No. VI. of 1844.

[Crimes charged against Revenue servants, or brought to light in Revenue proceedings not to be investigated by Revenue officers having powers in Criminal Department, without sanction of Commissioner, who will determine what officer shall investigate.]

The Sudder Board of Revenue, North Western Provinces, request the attention of Commissioners of Divisions and other Revenue Officers to the following Rule extracted from the orders of the Hon'ble the Lieutenant Governor No. 4342 of 1844, dated 1st October.

Extract—"The Lieutenant Governor is pleased to prohibit Collectors or Revenue Officers of Government who are invested with the powers of a Magistrate, from proceeding in the Criminal Department against Officers of their establishment, or other individuals for offences brought to light in Revenue proceedings, until they have first obtained the sanction of the Commissioner to such a proceeding. It will rest with the Commissioner to consider whether the trial be conducted by the Magistrate or the Joint Magistrate, or whether it is necessary in order to secure impartial investigation to transfer the trial altogether to another District, in which latter case, he will propose such a course for the consideration of Government through the Sudder Board of Revenue."

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Agra, the 11th October 1844.

Circular Order No. N of 1844.

From H. M. ELLIOT, Esq.,

Secretary to the Sudder Board of Revenue, N. W. P.,

Agra.

TO COMMISSIONERS OF DIVISIONS NOS. 1 TO 5, DELHI, SAUGOR AND KUMAON.

Dated Agra, the 11th of October, 1844.

[Treasure Tumbrils, may be repaired under Collector's own arrangements]

Revenue.
Present.
T. J Turner, Esq , Senior Member, and
H. S. Boulderson, Esq , Junior Member.

The Sudder Board of Revenue, North Western Provinces, having been informed by Government that it is desirable to relieve the Gun Carriage Agency at Futtehghur and the Magazines in these provinces, of the duty of repairing Treasure Tumbrils attached to Collectorates, you are requested to make the necessary communication to the Collectors of your Divisions, informing them that they will in future be at liberty to make their own arrangements for the repair of their Tumbrils, wherever the work can be well and cheaply performed.

H. M. ELLIOT,
Secretary.

Sudder Board of Revenue,
N. W. Provinces,
Agra, the 11th October, 1844.

Circular Order No. O of 1844.

From H. M. ELLIOT, Esq.,

Secretary to the Sudder Board of Revenue N. W. P.

TO COMMISSIONERS OF DIVISIONS NOS. 1 to 5, DELHIE, SAUGOR AND KUMAON.

Dated Agra, the 12 November, 1844.

[Meteorological Registers, to contain a note on "Prospects of season."]

Revenue.
Present.
T J Turner, Esq., Senior Member and
H. S. Boulderson, Esq , Junior Member.

In order to complete the future Meteorological Registers for the Districts of your Division, the Sudder Board request that you will cause an entry to be made in the column of remarks, stating what the prospects of the season may be at the end of the month.

H. M. ELLIOT,
Secretary.

Sudder Board of Revenue,
N. W. Provinces,
Agra, the 12th November 1844.

Circular Order No. VII. of 1844.

Dated Agra, the 6th December, 1844.

The Sudder Board of Revenue, North Western Provinces, request the attention of Commissioners and Collectors to the rules regarding the Registry of Security Bonds

taken from farmers, contained in the annexed Extract, Paras: 2 and 3 of the orders of Government (N. W. P.) No. 5116 of 1844, dated 25th November.

Extract from Government Orders.

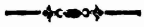
"Para. 2d. The practice of requiring sureties for farmers to pledge some special property for the performance of the engagement, is intended to afford additional security for the Revenue, and should be continued, except in cases where the known respectability of the surety is such as to warrant the omission. But this hypothecation of particular property should be accompanied by a general engagement on the part of the surety to be answerable also in his person and remaining property for any default.

"3d. All Security Bonds containing an hypothecation of the above nature should be registered in the prescribed form."

By order of the Sudder Board.

H. M. ELLIOT,
Secretary.

Agra the 6th December, 1844.



CIRCULAR ORDERS,

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

CUSTOMS DEPARTMENT.

ABKAREE NOTIFICATION.

In modification of Circular Order, No. 2, dated 11th August last, which was published in the *Agra Gazette* of the 5th of September, No. 36, Revenue Officers are hereby informed that, under the sanction of Government, the retail price of Opium has been reduced for the present to 10 Rupees per seer weight of 80 siccas.

By order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Agra the 16th January 1844.

CUSTOMS DEPARTMENT.

Notification.

Agra, dated the 23rd February, 1844.

The following Extracts from a letter received from the Secretary to Government, North Western Provinces, dated 10th Instant, No. 617, are published for general information.

REGARDING OUDE SALT and such as is obtained in the manufacture of Saltpetre.

PARAGRAPHS 3 TO 10.

By Order of the Sudder Board of Revenue, North Western Provinces.

H. M. ELLIOT,
Secretary.

Extracts, Paragraphs 3 to 10, from Government Orders dated the 10th February, 1844. No. 617.

Para. 3. I am desired to draw the special attention of the Board to the VIth of the published Rules which, by drawing a line round the Oude Territory is calculated to prevent the introduction of untaxed Oude Salt into the Provinces. It is, however,

hoped that none, or, a very small preventive establishment will be requisite to regulate this trade. The Collectors of Land Revenue adjoining the Oude Territory and their establishments have been invested with the powers of Customs House Officers, to enable them to check the illicit importation of Salt from Oude; and it is hoped that this will oppose a sufficient barrier to the practice.

4th. If any further measures be necessary, the Board will be pleased to report further on the subject, and recommend whatever they may consider requisite.

5th. The Board will observe that, in the revised Rules now sent to them, there is no mention of Saltpetre. It is necessary distinctly to explain the state of the Law regarding the manufacture of this article, and the course which it is desired should be consequently pursued.

6th. It has been represented, that in the manufacture of Saltpetre, a quantity of Alimentary Salt, more or less pure, is necessarily produced, and that the manufacturer finds it difficult, without much care and expense, to determine before he commences the manufacture how much Alimentary Salt will be produced and of what quality.

7th. Act XIV. of 1843, gives no power of interference with bonâ fide Saltpetre works, notwithstanding the necessary formation of Alimentary Salt in the process of manufacture, nor can the Salt so produced be seized or taxed.

8th. If the manufactory be actually for the production of Alimentary Salt, and the formation of Saltpetre be a mere fraudulent pretext or, if the impure Alimentary Salt necessarily produced in a Saltpetre Manufactory be purified, the Manufacturers become liable to all the penalties prescribed in the Act.

9th. Great care will be necessary in discriminating between bonâfide and malâfide Saltpetre works. The Law arms the Revenue Officers of the Government with very extensive powers for the suppression of the latter, subject only to legal check by prosecution for damages in the Civil Court, but they will always bear in mind that the Manufacture of Saltpetre is a profitable and beneficial branch of industry, which it is desirable to encourage, and they will be careful to avoid all unnecessary annoyance to the fair dealer.

10th. The bonâfide Manufacturer of Saltpetre may always secure himself from annoyance by lodging information with the Collector of the District of the position, number and extent, of his works and the quantity of Saltpetre they are calculated to produce, and by allowing free access for the inspection of his works by any Officer or Officers whom the Collector of Customs or Land Revenue may depute for the purpose; when such information has been lodged, protection should be granted and continued so long as fair dealing is mantained. When false dealing is suspected, no penal proceedings should be adopted against such works, without one week's previous notice to the Manufacturers that the protection is withdrawn and the penalties will be enforced. Information should be immediately communicated to the Sudder Board of Revenue of all protection thus granted and withdrawn.

(True Extract.)

H. M. ELLIOT,
Secretary.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

No. 161 OF 1843-44.

To all Officers in charge of Revenue and Political Treasuries in the N. W. Provinces.

I have the honor to request that you will furnish me with a Monthly Return in the subjoined form, shewing the proportion in Silver and Copper of your receipts from the sale of stamps, and from the Post Office dependant on your Treasury.

Statement shewing the Receipts in Silver and Copper from the Sale of Stamps, and the Post Office in the District of for the month of 184

	In Co.'s Rupees.			In Furruckabad Rupees.			In new Pyce.			In other Coins if any.			Total.			Remarks.
From sale of Stamps,..																
„ Post Office at ..																
	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

C. GRANT,
Accountant, N. W. Provinces.

Accountant's Office, N. W. P.
Agra, the 4th January 1844.

No. 162 of 1843-41.

To the Post Masters of the North Western Provinces.

I request that you will prepare and forward to this office at your earliest convenience, a statement in the subjoined form shewing the amount of the payments made by you in the Silver and Copper Currencies into the Civil Treasury on which you are dependant for supplies of funds, during each of the 12 months of the past year 1843.

2nd. I request further that you will submit a similar return monthly with your Cash Balance Reports, shewing the payments made during the month proceding.

Statement shewing the payments made into the Treasury of the Collector of— on account of Post Office Collections during the month of

Date.		In Co.'s Rupees.			In Furruckabad Rupees.			In new Pyce.			In other Coins if any.			Total.			
On the	184																
" "	"																
" "	"																
	Total,	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

C. GRANT,
Accountant, N. W. Provinces.

Accountant's Office, N. W. P.
Agra, the 4th January, 1844.

No. 164 of 1843-44.

To——

With reference to the annexed Copy of a letter from the Military Auditor General at Fort William, dated the 12th December last, addressed to the Accountant General in the Military Department, and communicated by that Officer to me, I have the honor to request that you will in future, on occasions of having to lay dawks for Officers in the employ of Government authorized to travel from your Station by dawk on the public service, submit a separate Bill of Charges incurred in each Individual case to this office, accompanied by an authenticated copy of the authority directing the party to proceed by dawk at the public expense, for the purpose of being submitted by me for Military or Civil Audit, as the charge may appear to be of a purely Military or Civil nature, and debitable accordingly. You will be careful on every such occasion to supply yourself

with the necessary authority, previously to submitting a Bill of Charges for the entire distance travelled.

C. GRANT,
Accountant, N. W. P.

Agra, the 8th February, 1844.

No. 470.

To C. MORLEY, ESQ.

Accountant General, Military Department.

In returning Bills Nos. 659 and 661, Miscellaneous Book A, received with your letter of the 25th August last, being for dawk charges of certain Officers, I have to state, that to enable this Department to judge of the correctness or otherwise of the disbursements, the Bill should be accompanied by copies of the authority directing the Officer to travel by dawk on the public service.

All Bills of the above description, being for charges of a purely Military nature, should be forwarded direct to this office for check and audit, and not to the Civil Auditor, North Western Provinces, as appears to have been done in the present and in some other instances.

(Signed) J. A. PAUL MACGREGOR,
M. G. Military Auditor General.

Fort William, the 12th December, 1843.

(True Copy)

C. GRANT,
Accountant, N. W. P.

No. 165 OF 1843-44.

To———

I have the honor to request that on every occasion of making a Remittance of Short Weight Rupees and of Rupees of sorts, either direct, or viâ another Treasury, consigned to the Mint Master at Calcutta, you will be pleased to report the circumstance to this Office, by a letter, accompanied by a copy of your Chulan in the prescribed form; and to make a similar report direct to J. A. Dorin, Esquire, Secretary to the Government of India in the Financial Department at the Presidency.

C. GRANT,
Accountant, N. W. P.

Agra, the 12th February, 1844.

No. 166 OF 1843-44.

To———

The Hon'ble the President in Council having in a Resolution in the Financial Department, dated the 15th December last, remarked on the injustice inflicted by the operation of the instructions conveyed in paragraph 6th of my Circular No. 111, dated 29th September 1841, upon holders of short-weight Rupees, by cutting their short-

weight Rupees when they are unwilling to receive the Government value for them, inasmuch as thereby what is comparatively unserviceable is rendered even more worthless to its possessor by destroying it as currency altogether; and, as the rule in question, is moreover considered by the President in Council as placing in the hands of the Native Treasurers a power which may be extremely liable to abuse, by their asserting even good and full weight coin when tendered to be deficient in weight, and threatening to cut and deface good currency if it is not made worth their while to admit it quietly into the Treasury; I have the honor to request that you will, on the receipt of this letter, cancel the paragraph in question from my above-cited letter, and no longer consider the rule therein conveyed of any force, thereby modifying the rules for cutting short-weight Rupees by restricting the practice to short-weight coin actually received into your Treasury as Bullion, and for which the party tendering it has willingly received its full equivalent either in good coin or in account.

C. GRANT,
Accountant, N. W. P.

Agra, the 8th February, 1844.

No. 167 OF 1843-44.

To ——

With reference to the differences frequently occurring between the Opium Accounts of Bengal and those of the North Western Provinces, arising from the Collectors indenting for, and obtaining, supplies of Opium from the Benares Opium Agency, deferring to give credit for their value to the Opium Department till the arrival of the Drug at their office, which in some cases is several months after its despatch from Ghazeepoor; I have the honor to request, that you will make it an invariable rule, to afford the necessary credit for each supply of Opium which you obtain from the Agency, in your Treasury Account for the month in which you grant your receipt for the supply.

2d. I beg to add, that the Drug issued to Collectors for Abkaree purposes, being at the risk of the Abkaree Department, from the date of its delivery to the party sent to receive it from the agency, it is necessary that the Opium Department should be credited, and the head of inefficient balance debited with the value of the supply at the rate of Co's Rs. 5 per seer of 80 Tolahs, so soon as you have passed your receipt to the Opium Agency for the same; for, otherwise, the desired correspondence between the debits in the Bengal Accounts and the credits in those of the North Western Provinces cannot be secured in the Quarterly and Annual Returns of the two Governments.

C. GRANT,
Accountant, N. W. P.

Agra, the 13th March, 1844.

No. 168 OF 1843 44.

To——

In continuation of Mr. Accountant Well's Circular of the 6th April, 1839, No. 69, and with reference to a requisition from the Military Accountant at Bombay, dated the 2nd instant, I have the honour to request, that, whenever you may have occasion to

return a Divisional Pay Master's List of Remittances made by Individuals serving in the Bombay Army, on account of deficient information relative to the Payee's place of abode, or from any other cause, you will be pleased to report the circumstance to this office for intimation to the Accountant in the Military Department at Bombay, stating in your letter the reason and the date of return, as well as the address of the Officer to whom the List of Remittance or Roll may have been returned.

C. GRANT,
Accountant, N. W. P.

Agra, the 14th March, 1844.

No. 169 OF 1843-44.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

Government having declared the Commissioner incompetent to sanction any disbursements from the Nuzool Funds, and, as all such disbursements require the previous sanction of Government, and are consequently susceptible of Civil Audit, I have the honor to request, in modification of the instructions conveyed in the Circular Letters of this Office of the 18th February 1841, No. 97, and 14th February 1842, No. 115, that you will hereafter discontinue the exhibition of the Receipts and Disbursements of the Nuzoql Funds under the head of Revenue Deposits, but enter them in your Treasury Accounts under a separate head of "Local Agency Fund," detailing under Receipts the sums realized from various sources and credited to that head, and supporting the charges for per contra with Bills duly audited by the Civil Auditor.

2nd. This arrangement is not intended to interfere with the control and management of such funds vested by Government in the Local Agency Committee: but merely to a clearer exhibition of all the Receipts and Charges connected with the Local Agency in the Public Accounts.

C. GRANT,
Accountant, N. W. P.

Accountant's Office,
Agra, the 23rd March, 1844.

No. 170 of 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to instructions from the Government of India in the Military Department, dated the 10th Instant, I am directed by the Honourable the Lieutenant Governor, North Western Provinces, to request that you will honor all drafts which may be drawn on your Treasury for Commissariat purposes by the two* Deputy Commissaries General, in the same manner as has heretofore been done by the Commissary General who has assumed his duties as a stipendiary Member of the Military Board.

* Lieutenant Colonel J Parsons. Lieutenant Colonel T. S. Hawkins, C. B.

C. GRANT,
Accountant, N. W. P.

Accountant's Office,
Agra, the 28th May, 1844.

No. 171 of 1844-1845.

To the Collectors of ——

I have the honor to request, that you will in future discontinue the practice of exhibiting the fractional parts of the pie in your public accounts, and in the Bills and Vouchers appertaining thereto, the pie pieces being the lowest denomination of the Copper currency, nothing less than the pie ought to enter in your accounts, as all below it can never form an actual transaction of Receipt or Payment without recourse to cowrees, which should not be permitted.

C. GRANT,
Accountant, N. W. P.

Accountant's Office,
Agra, the 30th May, 1844.

No. 172 OF 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I am requested by the Accountant General in the Military Department to advise you, that from the 1st May last the drafts drawn by Captain Bygrave in his capacity of Presidency Pay Master bear a separate series of numbers from those drawn by the same Officer, as Pay Master to the Queen's Troops.

2nd. You are requested to bear this distinction in mind, and to observe a similar distinction in debiting Captain Bygrave's Bills in your Treasury Accounts, opening separate heads for them in your Office Check Register of Bills drawn on your Treasury.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.
Agra, the 9th July, 1844.

No. 173 OF 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that on occasion of payments being made into your Treasury on account of Estates and Effects, &c. of deceased men of the Bombay Army with a view to the amount being remitted to that Presidency, you will have the goodness to remit the amount of payment by a public draft to the Collector of Agra; giving that Officer the name of the party from whom the amount was received, the name, rank and corps of the deceased, and the name and residence of the heir or other party to whom it is desired to remit the amount.

The Collector of Agra on receiving your Bill will acknowledge its receipt, forwarding to you, in return, a certificate for the sum in favor of the proper party, and will at the same time send a Register of the same to this Office for transmission to the Accountant General of Bombay with a view to ensure the payment of its certificate on presentation under that Presidency.

The adoption of this course has been suggested by the Accountant General at Bombay, and is to supersede that of remitting the Amount to the Sub-Treasurer at Fort William, for transmission to Bombay.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.
Agra, the 29th August, 1844.

No. 174 OF 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to a communication received from the Accountant General in the Military Department, dated 30th July last, I have the honor to request, that on all future occasions of making advances to the Military under the prescribed rules, you will be pleased to take receipts in *Triplicate* for all such advances, and that you will forward the *Triplicate* receipt direct to the Divisional Pay Master of the Military Officer taking the advance, immediately as the advance is made, to enable the Pay Master to recover and remit the amount thereof to your Treasury, within the prescribed period of two months, which has been found to be impracticable when the receipt was forwarded through the office of Military Accountant.

2. The *duplicate* receipt must, as heretofore, in accordance with Government General Orders, dated 19th February 1824, No. 63, be forwarded to the Accountant General in the Military Department at the Presidency, and the *original* must be retained in your own records as a Voucher.

3. The amount of any advance that may not be replaced in your Treasury by a Paymaster's Bill or otherwise adjusted in your Inefficient Balance, within two months, you will as heretofore* be pleased to debit to the proper Paymaster under the head "By Bills payable of the Military Department," citing, in the debit entry, the date on which the duplicate and triplicate receipt were transmitted to the Military Accountant and Paymaster, and particularizing therein the name, rank and corps of the Officer to whom the advance was made: If these particulars are not afforded in your debit entry the charge will not be admissable on your Accounts.

* v. Revenue Accountant's Circular No. 297 dated 9th Dec. 1824.

C. GRANT,
Accountant, N. W. P.

Accountant's Office, N. W. P.
Agra, the 26th September, 1844.

No. 175 of 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

BENGAL PRESIDENCY

By Payments on account of the Military Department

Charge of Remittances to Military Chests.
Ditto of supplies for Troops.
Ditto for crossing Troops over Rivers
Ditto for Pensions of the Military Department.
Ditto for constructing Buildings for Troops
Ditto for compensation for Cantonment Lands.
Ditto for Military Officers travelling by Dawk at the public expense

By Charges General of the General Department

Allowance of students attached to the College.
Advances to the Bishop of Calcutta.
Salaries and Establishment of the A G. G in the Saugor and Nurbudda Territories and in Bundlecund.
Ditto and ditto of the A G G on the North Western Frontier.
Ditto and ditto of the Agencies subordinate to the A. G. G. for the states of Rajpootana

By Judicial Charges General.

(Benares and Agra)

Salaries of Sheriff's Officers.

By Marine Department.

Charges of Internal Steam Navigation.

By Salt Department (Ghazeepoor)

Charges of the Preventive Establishment.

By Opium Department.

Charges on account Diet to Opium offenders confined in Jail.

By Pensions.

Of the Political Department.
" " Salt Department.
" " Judicial Department.
" " Commerical Department.

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Receipts of parties to whom payments of Interest on Government Loan Securities are made.

PRESIDENCY OF BOMBAY.

Civil Department.

Salary of Ukhbar Nuvees.
Subscription to Native Papers.
Allowances to Bajee Rao and followers.
Salary and Establishment and Contingencies of Commissioner with Bajee Rao
Stipend of the Ex-Raja of Satara.

Pensions.

Indian navy charges

Military Department.

Payments made to Sepoys &c. on furlough on account of Pay.
Pensions to Sepoys and others.

PRESIDENCY OF FORT SAINT GEORGE

Civil Department

Charges on account Ex-Raja of Coorg.
Salary and Establishment of Superintendent with Ex-Rajah of Coorg.
Stipend of the Ex-Raja of Goomsur.
Pensions.

Military Department.

Payment made to Sepoys &c, on Furlough on account Pay.
Pensions to Sepoys, &c

Accountant's Office, N. W. P.
Agra, the 26th September, 1844.

It being necessary to forward to the offices of Account at the Presidencies of Bengal, Fort Saint George, and Bombay, the original vouchers sent with your Treasury accounts in support of charges made therein against those Presidencies respectively; I have to request, that you will with your next Treasury account and with those for succeeding months invariably forward an attested copy of each Voucher sent in support of charges exhibited under the heads noted in the Margin,* in addition to the audited Vouchers themselves.

2nd. This requisition will not impose any considerable labor upon your establishment as the number cannot exceed 3 or 4 Vouchers of your accounts in each month, those enumerated not occurring except occasionally and some of them only in particular districts.

3rd. I have further to request that charges not appertaining to the North Western Provinces may never be included in Bills of charges properly belonging thereto, such charges should be carefully excluded from them and submitted in separate Bills, thereby keeping the charges of the several Presidencies distinct from each other and from those of the North Western Provinces.

C. GRANT.
Accountant, N. W. P.

No. 176 OF 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to acquaint you for your information and guidance, that, under Instructions from the Government of India, the men of the Military Police Battalions are not ordinarily considered entitled to the privileges of sending their letters free, and having private drafts from the Treasury: but non-Commissioned Officers and men transferred from the Native Army will continue entitled to those privileges.

Accountant's Office, N. W. P.
Agra, the 16th October, 1844.

C. GRANT,
Accountant, N. W. P.

No. 178 OF 1844-45.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that at the foot of your monthly Statement of Silver and Copper Coins received from the Sale of Stamps and from the Post Office, you will have the goodness to insert a Memorandum of the value of issues made from your Treasury during the month, of Half and Quarter Rupees, and of Pyce thus—

Memorandum of Issues.

In Half Rupees, ...	Co's. Rs.		000 0 0
„ Quarter Rupees, ...	ditto do.		000 0 0
			0000 0 0
„ Double Pyce, ...	ditto do.	000 0 0	
„ Single Pyce, ...	ditto do.	000 0 0	
„ Pie Pieces, ...	ditto do.	000 0 0	0000 0 0
		Co.'s Rs.	0000 0 0

A. SHAKESPEAR,
Offg. Accountant, N. W. P.

Accountant's Office, N. W. P.
Agra, the 21st November, 1844.

ACTS AND ORDERS

FOR THE

GOV^T OF INDIA
LIBRARY

North Western Provinces.

FOR THE YEAR

1845.

RE-PUBLISHED FROM THE AGRA GAZETTE

BY ORDER OF THE

HONORABLE THE LIEUTENANT GOVERNOR, N. W. P.

AGRA:

PRINTED AT THE SECUNDRA ORPHAN PRESS.

1847.

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General establishment of district dawks communicated, the collections on account of which are to be shewn under Revenue deposits in the monthly treasury accounts from 1st proximo. A memorandum of monthly surplus of the collections to be appended to the treasury accounts in the form of memorandum for the one per cent. road fund. A detailed statement in English attested by Collector to form a proper voucher. Any surplus funds of existing district dawks either in the treasury, or which may be made over by the Post-master of the district to be accounted for as above, ...	13th April, 1845.	106

CIRCULARS OF CIVIL AUDITOR,

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE,

The 11th January, 1845.

ACT No. I. OF 1845.

An Act to amend Act No. XII. of 1841, *entitled "An Act for amending the Bengal Code in regard to Sales of Land for arrears of Revenue."*

Whereas it is found expedient to amend the existing law for the realization of the Land Revenue:

I. It is hereby enacted, that from the last day of February 1845, the third and following Sections of Act No. XII. of 1841, are repealed.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era according to which the settlement and kistbundee of any Mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at Public Auction,

to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publication to be made as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be), Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that in Districts not permanently settled and in the Province of Benares no sale shall take place for arrears of Land Revenue or other demands of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale. Provided, that the said Board at the time of authorizing such sale shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands, of the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III. or IV. of this Act as the case may be, in the office of the Collector or other Officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the Notification relates, or a part of it, is situated, the same to be certified by the receipt of the Officer at whose office such Notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorized to hold sales under this Act shall as soon as possible after the latest day of payment fixed in the manner prescribed in Section III. or IV. of this Act, issue notifications in the language of the District, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from

the date of affixing the notification in the office of the Collector or other Officer as aforesaid. And except as hereinafter provided, all Estates, so specified shall on the day notified for sale, or on the day or days following, be put up to Public Auction by and in the presence of the Collector or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that whenever an Estate is notified for sale as provided by Section VI. of this Act, the Collector or other Officer as aforesaid shall affix a proclamation in the language of the District, in his own office, and as soon thereafter as may be in the Moonsiffs' Courts and Police Thannahs within which the Estate, or any part of it is situated, and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, forbidding the ryots and under-tenants to pay rent to the defaulting Proprietor or Proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the Estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment receive as a deposit from any party not being a proprietor of the Estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said Estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the Estate. And in case the party so depositing whose money shall have been credited to the Estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such Estate is situated, to order the said party to be put into temporary possession of the said Estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered or damaged by the sale of the Estate, he shall be entitled to recover the amount of the deposit with interest, from the Proprietors of the said Estate.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue

accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an Estate shall have commenced to exempt such Estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale, by a special order to the Collector to that effect in each case; and no sale of an Estate shall be legal if held after the receipt of an order of exemption in respect to such Estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it he shall be competent to adjourn it to the next day following not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, and recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VI. of this Act, sales shall proceed in regular order; the Estate to be sold bearing the lowest number on the Towjee or Registers in use in the Collector's Office of the District being put up first, and so on in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number except where it may be necessary to do so on default of deposit, as provided in Section XV. of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the Estate as the Collector may think necessary, either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities

duly endorsed, 25 per cent. on the amount of his bid, and in default of such deposit the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the Estate shall be resold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always that every such re-sale shall be made after notification and in the forms prescribed by Section VI. of this Act; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also that payment or tender of payment by or on behalf of the Proprietor of the arrear for which the Estate was first sold, and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV. of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI. or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an Estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the Proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the Proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal

shall have been preferred shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales against which an appeal may have been preferred and the appeal dismissed by the Commissioner shall be final and conclusive from the date of such dismissal if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XX. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall give to the purchaser a Certificate of Title in the following form:

I certify that A. B. has purchased at Public Auction under Act No. I. of 1845, Mehal C, and that his purchase has taken effect on and since the —— day of ——— (being the date of the day after that fixed for the last day of payment).

(Signed) D. E. *Collector.*

And the said Certificate shall be deemed in any Court of Justice sufficient evidence of the title to the Estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdiction within which any part of the Estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the Estate, or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment; and, secondly, to the liquidation of all outstanding demands debited to the Mehal in the Public Accounts of the District, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the Proprietor of the Estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the Proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the Proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the Proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current Public

Securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the *latest* day of *payment aforesaid.*

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realisable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII. of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive as provided in Section XIX. of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reserved by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

XXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled Districts of Bengal, Behar, Orissa and Benares, shall acquire the Estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under tenures in the said Estate; and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former Proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an Estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms although the same be underwritten and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVI. shall acquire the Estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenure which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of and at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favor, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the Pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrears shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances, with which a Proprietor in possession, his ancestors, or predecessors may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or

there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XIX. of this Act, to direct the sale to be cancelled, and a new sale of the Estate to be made without other restrictions than those contained in the exceptions specified in Clause 1 to 5 of Sec. XXVI. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an Estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Muhal* shall be sold without any other restriction than those contained in the exceptions specified in Clause 1 to 5 of Section LXXVI. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount, the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting Copartners of Estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded Proprietor or Copartner who may purchase in his own name or in the name of another the Estate of which he is Proprietor or Copartner: or who by re-purchase or otherwise, may recover possession of the said Estate after it has been sold for arrears under this Act: and likewise any purchaser of an Estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the Estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous Proprietor at the time of the sale of the said Estate.

XXX. And it is hereby enacted, that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day by any process except distraint which might have been used by him for that purpose on or before the said latest day.

XXXI. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta, or the Settlements of Singapore, Penang or Malacca.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 15th February, 1845.

ACT No. III. OF 1845.

An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

Whereas it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts—and whereas no Security for Costs is now required by Law in Appeals from the decisions of Moonsiffs, and whereas it is expedient that Appeals from all Courts shall be put in this respect upon a uniform footing:—

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any Security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 1st March, 1845.

ACT No. IV. OF 1845.

An Act to amend the Law regarding the Registration of Deeds.

I. It is hereby enacted, that from and after the passing of this Act, Deeds may be registered in any Registry Office within the Presidency of Fort Willam in Bengal, whether such office be in the District where the property or any part thereof to which such Deeds relate, is situated, or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office

to forward to the office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his Office, the said copies to be furnished and attested as prescribed in Clause first, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office, of such District whether or not a copy thereof have been registered in all or any one of the other Districts, in which the property to which the Deed relates may be situated.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 22nd March, 1845.

ACT No. V. OF 1845.

An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. It is hereby enacted, that Section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 5th April, 1845.

ACT No. VI. OF 1845.

An Act to amend the Law regarding the issue of Commissions of the Peace.

Whereas it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any person not named in the General Commission last issued to act as Justices of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the Office of Justice of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her heirs and successors, under the Seal of the Supreme Court, and tested in the name of the Chief Justice of such Court and shall be filed for record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued which shall remain in full force.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 12th April, 1845.

ACT No. VII. OF 1845.

An act for regulating the levy of Water-rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces, and for the protection of the said Canals from injury.

Whereas numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury.

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal.

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water-rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water-rent due for lands, irrigated by the Canals shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water-courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the Magistrate by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer under the direction of the Superintendent of the Canal, on the tenth day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division and his sanction obtained thereto.

VIII. And it is hereby enacted, that is shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 17th May, 1845.

ACT No. IX. OF 1845.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, *to Act I. of* 1838, *and to Act VI. of* 1844, *and for repealing Act XV. of* 1844.

I. It is hereby enacted, that from and after the first day of June, 1845, so much of Schedule A annexed to Act XIV. of 1836, so much of Schedule A annexed to Act I. of 1838, and so much of Schedule A annexed to Act VI. of 1844, as relates to the rates of duty to be charged on the Goods next hereinafter specified, be repealed.

Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession.

Marine Stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.

Metals, wrought or unwrought, excepting Tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

Woollens, the produce of any other place or country.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of any other place.

Wines and Liqueurs.

Spirits.

All manufactured Articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said First day of June, 1845, all the provisions of the three above mentioned Acts which have reference to so much of the Schedules A to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedule A above mentioned.

III. And it is hereby enacted, that Act XV. of 1844, entituled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, be repealed.

SCHEDULE.

Rates of Duty to be charged on the following Goods imported by Sea into any Port of the Presidencies of Fort William in Bengal, Bombay or Fort St. George.

Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
Marine Stores; the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent, ..	10 Per Cent.
Ditto ditto, the produce or manufacture of any other place or country, ...	10 Per Cent, ...	20 Per Cent.
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession,	5 Per Cent, ...	10 Per Cent.
Metals ditto ditto, the produce or manufacture of any other place, ...	10 Per Cent, ..	20 Per Cent.
Woollens, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent, ...	10 Per Cent.
Woollens, the produce of any other place or country, ..	10 Per Cent, ..	20 Per Cent.
Cotton and Silk Piece Goods, and all manufactures of Cotton or Silk, except Thread, Twist and Yarn, or of Cotton or Silk, mixed with any other material, the produce of the United Kingdom or of any British Possession, ...	5 Per Cent, ...	10 Per Cent.
Ditto, the produce of any other place, ...	10 Per Cent, ...	20 Per Cent.
Cotton Thread, Twist and Yarn, the produce of the United Kingdom or of any British Possession, ...	3½ Per Cent, ...	7 Per Cent.
Ditto, the produce of any other place, ...	7 Per Cent, ..	14 Per Cent.
Porter, Ale, Beer, Cyder and other similar fermented Liquors, ...	5 Per Cent, ...	10 Per Cent.
Wines and Liqueurs, ...	1 Rupee per Imperial Gallon,	2 Rupees per Imperial Gallon.
Spirits,...	1 Rupee and 8 Annas per Imperial Gallon,	3 Rupees per Imperial Gallon.
And the Duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.		
All manufactured articles, not included in the above enumeration,...	5 Per Cent, ..	10 Per Cent.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 17th May, 1845.

ACT No. X. OF 1845.

An Act for empowering Courts to issue Warrants in cases of failure to serve Summons.

It is hereby enacted, that in the Territories subject to the Government of the East India Company, except the Local Jurisdiction of the Supreme Courts, whenever in any Criminal case a Summons to the Defendant is by Law the first process, it shall be lawful for any Court which has issued a Summons in such case, to issue a Warrant for the apprehension of the Defendant in such case upon proof that due diligence has been used to serve such Summons upon the Defendant, and that the Officer or other person whose duty it may be to serve such Summons upon the Defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 12th July, 1845.

ACT No. XIV. OF 1845.

An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts.

I. It is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832, of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiff's Court be performed by the Moonsiffs themselves, and that the Tullubana levied in the Moonsiff's Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall from and after the passing of this Act retain on their Establishments Nazirs to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814, of the said Code shall be applicable.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 16th August, 1845.

ACT No. XV. OF 1845.

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I. Whereas doubts have arisen whether the Regulation XV. of 1816 of the Bengal Code is still in force, or how much, if any, of its provisions is still in force:

It is therefore hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras Code, the Law for the Madras Army is the same as the Law hereinbefore declared and enacted for the Bengal Army, and whereas it is expedient and just that the Law should be the same for the Bombay Army also:

It is therefore hereby enacted, that the said Regulation of the Bengal Code is extended to the Army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that Army.

III. And whereas it is just and reasonable to extend the privileges conferred upon Native Officers and Soldiers by the Regulations aforesaid in respect of exemption from stamps in legal proceedings:

It is hereby enacted, that all the Courts of the East India Company shall receive Plaints in original Suits not being Suits originating in loans or in pecuniary transactions of a commercial nature upon unstamped paper when the plaintiff is a Native Officer or a Soldier in the Military Establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any Stamp from which a plaintiff may be exempted by the last preceding Section shall be charged in the Decree on behalf of Government to the Party cast or to the Parties respectively in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native Officer or Soldier shall institute a Suit under this Act in which he is not bonâ fide interested or not interested to the extent alleged in the Plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native Officer or Soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the Suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependant Talookdar, Farmer, under Farmer, Ryot, or otherwise, the Magistrate or other Officer as aforesaid shall require the parties complained against, and any other parties concerned to appear and make defence in person or by Agent within a reasonable time; and if after the examination of the necessary witnesses and documents the complaint appears to him to be substantiated he shall record a proceeding ordering the party complaining to be put again into possession of the subject of dispute and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And whereas it is just that when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840 shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier unless such party prefer his claim within such period as may be considered by the Magistrate reasonable with reference to the distance of the party and the difficulty of communication.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT.

LEGISLATIVE.

ACT No. XVI. OF 1845.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

Whereas the Provisions of Act XXIX. of 1841, are inconveniently severe as regards Appeals and it is expedient to mitigate the strictness thereof:—

I It is therefore hereby enacted, that whenever an Appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after passing of this Act have been dismissed under the Provisions of the said Act XXIX. of 1841, it

shall be competent to the Court which shall have dismissed such Appeal to re-admit the same if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed, if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841, if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the Provisions of Act XXIX. of 1841, shall be again re-admitted.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

ACT No. XVII. OF 1845.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. It is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all powers now exercised by Zillah Judges for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall from and after the passing of this Act, be exercised by Moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 23rd August, 1845.

ACT No. XVIII. OF 1845.

An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life.

Whereas it is expedient that offences commited by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any convict sentenced to imprisonment for life, or to transportation for life, who does any act with the intention of thereby causing, or with the knowledge, that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with corporal punishment not exceeding 39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever, other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct after having been punished by the order of the Superintendent of the Jail, in which he or she is confined, shall, upon conviction thereof before the Sessions Court, subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with corporal punishment not exceeding 39 stripes.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 20th September, 1845.

ACT No. XXII. OF 1845.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council

of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

G. A. BUSHBY,
Secretary to the Government of India.

Fort William,

HOME DEPARTMENT,

LEGISLATIVE.

The 27th December, 1845.

ACT No. XXVII. OF 1845.

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act IV. of 1840.

I. It is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840, when such cases are referred to them by the Magistrates to whom they are subordinate, and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recall from such Assistants any depending cases which may have been referred to them under this Act, and which for the more speedy administration of justice or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

G. A. BUSHBY,
Secretary to the Government of India.

ORDERS OF THE GOVERNMENT, N. W. P.

No. 40. A.

CAMP DEHRA DHOON.

JUDICIAL AND REVENUE DEPARTMENT.

The 28th December, 1844.

With reference to the notifications of August 15th, 1843, and April 17th, 1844, it is hereby intimated to all covenanted officers who hold, or may be in any way concerned in the management of lands, that under instructions from the Hon'ble the Court of Directors dated November 6th last, the period within which they are required either entirely to disconnect themselves from the occupation of land or to resign the Company's Service is extended to January 1st, 1846.

J. THORNTON,

Secretary to the Government, N. W. Provinces.

ECCLESIASTICAL DEPARTMENT, N. W. PROVINCES.

The 10th April, 1845.

The following rules, framed for the information and guidance of Chaplains at Military Stations, are republished at the request of the Right Revd. the Lord Bishop of Calcutta.

1. Commanding Officers in concurrence with the Chaplains, will fix the time for performing Divine Service on Sundays.

2. When a Chaplain purposes to quit his principal Station for the occasion of visiting any of his appointed smaller Stations, or when he intends to apply for temporary leave of absence, he must give timely notice to the Chief Military and Civil Resident

Authorities in order that, if there be any cogent reasons against the absence of the Chaplain, they may be submitted to the Hon'ble the Lieutenant Governor.

3. The Chaplain at a Military Station is to visit regularly, at least twice in each week, the European Hospital or Hospitals. He is carefully to superintend and inspect the European Regimental and other Schools, visiting them for this purpose not less than once a week, and to represent any matter concerning their management to the Commanding Officer which may require his notice. Provided, however, that in the performance of the above duties he shall not interfere with the religious persuasion of those who do not profess the tenets of the Church of England. He is to report to the Commanding Officer on the 1st of January, and the 1st of July in each year, and oftener if necessary, the state of the European Regimental Schools, the qualifications and conduct of the Master and the proficiency of the Scholars.

4. The Chaplain is to enter carefully all the Marriages, Baptisms, and Burials of Soldiers and their Children in the Regimental Register Book of the respective European Corps as well as in the usúal Register kept by the Station Chaplain.

Republished by Order of the Hon'ble the Lieut. Governor North Western Provinces.

JUDICIAL AND REVENUE DEPARTMENT.

The 22nd May, 1845.

The Hon'ble the Lieutenant Governor directs the publication of the following letter from the Superintending Engineer, North Western Provinces, together with its Enclosure, furnishing Practical observation, upon Kunkur and Metalling Roads.

No. 1.

FROM MAJOR F. ABBOTT,

Superintending Engineer, North Western Provinces.

TO J. THORNTON, ESQUIRE,

Secretary to Government N. W. Provinces.

Dated Kussowlee, 1st May, 1845.

I have the honor to submit for the perusal of the Lieutenant Governor, when at leisure, a few practical Remarks upon Kunkur and Metalling, which might perhaps be useful to Local Committees.

If His Honor should consider them useful, perhaps he would wish them to be printed for circulation.

The Remarks are far from being perfect, and I shall be happy to revise or to make any additions that His Honor may deem expedient. I shall always be happy to commu-

nicate the results of any useful experiments conducted by the Officers under my superintendence.

(Signed) F. ABBOTT, *Major.*
Superintending Engineer, N. W. Provinces.

PRACTICAL OBSERVATIONS ON KUNKUR AND METALLING.

There are two species of Kunkur used in Metalling, which are known to the natives by the names of "Chŭthān" and "Bichwa;" both are carbonates of Lime, chemically combined with Sand and Clay.

KUNKURS.

2nd. *Chŭthān*—Is compact; earthy in texture, but very hard: it looks like dry Potter's Clay: it lies in compact strata from 12 to 24 inches thick, and from one to five feet below the surface of the earth, and generally under clay. It is an admirable material for roads, and especially for the lower layer, as it is difficult to beat it into perfect smoothness. Almost all roads made entirely of chŭthān are lumpy, having sharp projecting pieces very trying to the feet of cattle. It contains from 37 to 45 parts in 100 of carbonate of lime, the rest being chiefly clay, with a little sand or talc. It burns into a poor lime.

3rd. In road making with chŭthān great care must be taken to have the material well sized, for as it does not readily break under the rammer, mixed sizes will produce a lumpy road.

4th. *Bichwa*—Is in form like coral; fracture sparkling, and varying in hue from grey to nearly black. Sharp, sandy texture. It is found in several States. When in light clay it generally assumes the form of the chŭthān, and lies in massive tables or strata, but is easily distinguished from it by its corally form. The block bichwa is generally softish in the quarry, and easily broken, and becomes hard on exposure. It lies in tables 12 and 24 inches thick, and from 1 to 5 feet below the surface. It contains 50 per cent of carbonate of lime the rest being sand and clay.

5th. Underneath the massive or block bichwa is generally found a stratum of bichwa in loose detached pieces. These pieces are of exactly the same chemical composition as that above, and are apparently in a state of transition to the massive form, only wanting an additional supply of carbonate of lime to connect or cement them. Yet the Natives have an idea that the loose pieces will make good lime, whilst the massive will not. The latter only requires to be broken into small pieces before being put into the Kiln.

6th. Bichwa is also found in detached nodules or pieces, generally in sandy soil. This is generally the hardest of its species, and the best for roads, but is frequently expensive on account of the labor that is required in collecting it. It is often advantageous to give a top dressing of this material.

7th. The Bichwa, whether in mass or in nodules, is very friable, and crumbles readily under the rammer. It is not therefore so necessary to be particular in having

it sized. It forms a beautiful smooth surface; and though not actually so durable as the best chŭthān, it is yet preferable for the upper layer, as it wears smoothly and scarcely ever runs into lumps, if it has been well beaten; but it is better to place the larger pieces in the lower layer.

COST OF MATERIAL.

Cost of Kunkur.

8th. Great attention has been paid to this subject by Lieutenant Becher, Superintendent of the Grand Trunk Road, in the Northern Division; and I cannot do better than give an epitome of his experiments.

9th. In each experiment a paimana containing 1000 maunds by weight, or 1200 cubic feet by measure, was built up at the side of the quarry. Digging, breaking and piling, are therefore included in the following:

10th. *First*—Under native superintendence at quarries where the metal was abundant and lying under 3 feet of clay, the mean of 4 experiments gave Rupees 9-0-5 as the price of the paimana, which is the same as

Rs.	A.	P.	
0	14	5	per 100 maunds.
0	12	0	per 100 cubic feet.

11th. *Second*—This was an experiment made at Coel under a native chuprassee, occasionally looked over by Lieutenant Becher. The material was fine bichwa but much scattered, under 3 feet of stiff clay, very little breaking was here required, but it may be considered a rather difficult quarry:

	Rs.	A.	P.			
76 coolies at 1½ annas each	6	15	0			
36 boys at 1 anna each	2	4	0			
				9	3	0

which is the same as

Rs.	A.	P.	
0	14	8	per 100 maunds.
0	12	3	per 100 cubic feet.

12th. *Third*—This was a very exact experiment conducted under the immediate and constant superintendence of overseer Bride, an experienced man. The Kunkur was chŭthān, about 18 inches under the soil. It was a favorable, or rather easy quarry for working. 100 cubic feet were thrown in for wastage, but the calculations are made for 1200 as before.

	Rs.	A.	P.			
Digging, 39½ coolies at 1½ anna each,	3	11	3			
5 boys at 1 do. ditto,	0	5	0			
3 ditto at 9 pie each,	0	2	3			
				4	2	6

		Rs.	As.	P.			
Breaking,	18½ coolies at 1½ annas each,	1	11	9			
	2 ditto at 1½ annas each,	0	2	6			
	8 boys at 1 anna each,	0	8	0			
					2	6	3
Piling,	6 Coolies at 1½ annas each,	0	9	0			
	8 boys at 1 anna each,	0	8	0			
	2 do. at 9 pie each,	0	1	6			
					1	2	6
		Total,			7	11	3
Rate, ..	Per 100 maunds, ...				0	12	4
	Per 100 cubic feet, ...				0	10	4

In this experiment it will be observed that the expense of breaking the chŭthān into proper sizes and of piling the paimana, is nearly equal to the cost of digging.

CARRIAGE.

Carriage of Kunkur.

13. Lieutenant Becher found by actual experiments made under charge of his overseers, that a two-bullock hackery carrying 12 maunds could travel at the rate of from 1¾ to 2 miles per hour, that it took between 15 and 16 minutes to load, and allowing 10 hours per diem as a fair time for constant working, he established the cost of carriage at the rate of 10 annas per 100 maunds per koss of 1½ mile.

Rates of Metal at Roadside.

14. Having ascertained these points, contractors were found who undertake to deliver metal at the roadside at the following rates; which include digging, breaking, carting and stacking, or piling the paimana of 1000 maunds or 1,200 cubic feet.

Up to 1000	feet from quarry,	Rs.	12	0	0	or	Rs.	1	3	2	per	100 maunds.
2000	feet from quarry,	„	13	0	0	or	„	1	4	10	per	ditto.
1	mile from quarry,	„	15	0	0	or	„	1	8	0	per	ditto.
1½	mile or 1 koss,	„	16	8	0	or	„	1	10	4	per	ditto.

For distance greater than 1½ mile the metal is contracted for at 10 Rs. per paimana at the quarry, and 6½ Rs. per paimana, per koss of 1½ mile.

The rates of Kunkur may perhaps be yet reduced.

Laying Metal.

15. So many Committees appearing to lay down metal at far cheaper rates than have been found practicable on the Grand Trunk Road, where perfect metalling is required, I shall not attempt to set up any scale for comparison, but will merely add a few suggestions on the mode of laying the metal.

Compression of Metal.

16. A stratum of metal laid down in small pieces and perfectly consolidated will generally beat down to two-thirds of its original thickness; i. e. a loose stratum of 9 inches will beat down to 6 in. and a loose stratum 4½ in. thick will beat down to 3 inches.

Strength of Metal.

17. A consolidated stratum of 3 in. laid upon a perfectly hard foundation will bear any work, and will last 3 years under such traffic as that of the Grand Trunk Road, without requiring repair; but if the foundation be at all yielding, such a thin stratum will break up after the first year's wear; there is a great elasticity in so thin a stratum, and consequently a great amount of friction to draft carriages.

Maximum thickness for each layer.

18. A loose stratum of 4½ in. appears from extensive observation to be the thickest that can be properly consolidated. If therefore a greater thickness of metal be required it is necessary to beat it in two distinct layers.

One layer at a time.

19. Where constant vigilance is not obtainable, and even were it is, the workmen, if allowed to beat 9 in. of metal even in two layers will always slur over the lower layer, trusting to conceal it with the upper one. This is a fatal neglect, for the lower layer if improperly consolidated is no better than clay, and the upper layer when a little worn by traffic sinks into it and breaks up. Where thick metal is required, it is better to lay a perfect stratum beaten to 3 in. upon well-rammed clay, and not to allow the upper stratum to be lain for one year, when the perfect hardness of the first stratum will have been ascertained.

Treatment of first layer.

20. I recommend this first stratum to be made of chŭthān kunkur of mixed sizes, admitting pieces 4½ inches diameter: this will form a rough surface, and when overlaid by the second layer, which ought always to be of small and sized kunkur, the Superintendent will know when the upper layer is worn out, and he ought never to allow the lower layer to be disturbed: it should remain a a perpetual foundation. Repairs ought always to be made before the upper layer is quite worn out.

21. Where time or other circumstances will not permit of waiting so long between the layers, the Superintendent should examine every part of the first layer by probing with a pick-axe and by application of a very heavy paviour's rammer. If metal be perfectly consolidated, a heavy rammer applied with the utmost force of a strong man will not make the slightest visible impression on the surface. Well made metal should cut under the pick-axe like solid Kunkur of the mine.

22. I will only add in this place that plenty of water, not too much, and plenty of beating, are the two requisites,—even here there are limits. If too little water be used, the metal will never bind; if too much be given in the lower layer, the clay below becomes saturated, and the metal gets mixed with it. Again, when once the metal is consolidated, further labor is thrown away or is absolutely destructive. Experience and tact are required in the Superintendent.

Repairs of Metalling.

23. Well made metalling will generally, under the peculiar traffic of the country, wear into two smooth longitudinal hollows or ruts, and in 3 years these ruts will have become from 1½ to 2 inches deep. It is then time to give "repairs of ruts," which is done by opening out the ruts into sharp cut trenches, each about 2 feet broad, and of the *depth* of the natural rut, *not* deeper. This is overfilled with a stratum of small well sized metal, with a thickness equal to one-and-half times the depth of rut, and this layer will be found to beat down to the level of the old surface.

Holes.

24. Holes seldom occur in a well made road. In repairing them care should be taken to make a clean cut cavity, *not* deeper than the natural hole. This to be filled as in the case of ruts.

Renewal.

25. When the upper layer is nearly worn out, and there is only a 3 inches lower layer it is best to add a new stratum of 3 (consolidated) over all, taking care to do so before the old upper stratum has become loose: we then have an aggregate thickness of 7 or 8 inches, and the upper surface will now wear half as long again as when the metal is thin, and the friction in draft upon such a road will be considerably reduced.

Thickness.

26. I have just shewn the advantages of *thickness* in metal. Indeed metal can hardly be too thick, provided that the whole be perfectly consolidated, but the expense of metal being great, some limit must be fixed, and I think that 9 inches will suffice as a substratum or foundation, under a wearing stratum of 3 inches. This may be attained by degrees in the manner set forth in the 25th paragraph. Having once attained this standard, discretion may be used whether to scrape off the superstratum when renewals are wanted, or to add a new layer over all. The height of the road and other like circumstances will be the guides. But I would recommend no scraping off of old metal (unless it be loose) until the above standard of thickness has been attained. In Europe, a foundation is made of flag stones, but as these are not generally procurable in India, we must substitute a layer of metal, as before described, and this, if well made, will answer all the purpose.

Section or form of road.

27. Various forms of metal have been tried on the Grand Trunk, and it has been fully proved that the flatter the surface (to certain extents) the better will be the road. The round-backed surfaces are inconvenient for traffic, and they wear very irregularly soon losing all symmetry of form. We now allow only 2 inches of rise in the centre to a breadth of 16 feet, and this is produced by increasing the quantity of metal in the centre, not by forming the clay surface below to a round back.

GENERAL DEPARTMENT.

The 30th May, 1845.

The Lieutenant Governor desires that all Post-Masters, and Collectors and Magistrates, will exert themselves to the utmost to ensure the punctual delivery of Family Remittance Rolls, forwarded under G. O. G. G. November 8th, 1844, and G. O. C. in Chief February 15th, 1845, by Military Officers, advising Payees of remittances made in their favor. It is evident that if these letters do not reach their destination with punctuality and certainty, the benevolent intentions of the Government towards their Native Soldiery are defeated.

2nd. If the person to whom any letter is addressed lives within the ordinary sphere of the Post-Office delivery, the Post-Master will be himself responsible for the due delivery of the letter.

3rd. If the person addressed reside in the interior of the district, the Post Master will make over the letter to the Collector, who will give a receipt for it, and will then be responsible for its delivery free of charge through the medium of the Mofussil Dawk, as authorized under the orders noted in the margin.*

* Dated 30th April 1844, published in *Calcutta Gazette* dated 18th May, 1844, and in *Agra Gazette* dated 7th May, 1844.

4th. Letters of this description are sometimes directed according to the old divisions of the country known under the Mogul Government, and not according to the present division into Thannahs, Pergunnahs, Districts, &c. The person responsible for the delivery of the letter will advert to this circumstance. He will look carefully to all the indications afforded by the direction, and if he comes to the conclusion that the person addressed is not within the limits of his own control he will endeavour to forward it through the right channel. But if all his exertions to discover the residence of the person addressed prove ineffectual, he will return the letter to the writer with a Statement of the cause of non-delivery on the face of the letter or in a separate memorandum.

J. THORNTON,
Secretary to the Government, N. W. P.

REVENUE DEPARTMENT.

The 7th June, 1845.

The following Rules regarding the settlement at Nainee Tal in Kumaon are published for general information, and are to be considered in force from the present date:

I. Grants of land will be allotted to Individuals on the following terms, vizt., a ground-rent of two Rupees per Acre, (horizontal measurement).

II. The maximum extent of a site will be seven Acres, or as near that extent as the natural features of the country and convenience of boundary may admit.

III. All persons who have already occupied sites will be allowed to retain them, and will be liable to a demand for ground-rent from the date on which these rules are sanctioned.

IV. Those who have taken sites but have neglected hitherto to erect upon them any building of a value equal to, or exceeding 5,000 Rupees, will be liable to rent from the date of passing the Rules, and will be required to agree, within six months from the date of passing these Rules, to pay the assessment for a tenement rated to that value on the enforcement of the provisions of Act X. of 1842, in the settlement, or they will be held to have forfeited their grants.

V. Unappropriated or forfeited land, will be divided by the Commissioner or his Assistants into suitable allotments, numbered and surveyed.

VI. Applications for these allotments will be received by the Commissioner or his Assistant. The allotment thus applied for will be put up to Public Auction within a convenient time after the application, and assigned over to the applicant, or the highest bidder.

VII. The person thus procuring an allotment will be liable to rent from the date of the assignment, and will come under the other provisions specified in Rule IV.

VIII. All rents upon allotments will be realized by the Local Revenue Authorities in the same way as ordinary Balances of Land Revenue.

IX. Persons cutting down trees or quarrying stones beyond the limit of their own allotments, without permission from the Local Authorities, will be liable to a fine not exceeding Fifty Rupees for every such offence.

X. Each grantee shall be bound to keep and maintain in repair conspicuous and substantial boundary marks of his grant. On failure to do this, the marks shall be erected by the Local Authorities, and double the cost levied from him.

XI. The knowingly removing or effacing the Boundary marks of an Estate shall be punishable by the Magistrate by fine not exceeding 50 Rupees.

XII. All ground-rents, fines, or forfeitures and all collections on account of Abkarry within the limits of the settlement, shall be appropriated to purposes connected with the public health and convenience of the residents in the settlement.

XIII. Acquiescence in these rules shall be made a condition of every grant of land within the limits of the settlement.

RESOLUTION.

More than two-thirds of the House-holders at Nainee Tal, having applied for the introduction into that settlement of the provisions of Act X. 1842, the Hon'ble the Lieutenant Governor is pleased, under the power vested in him, by the aforesaid Act, to declare its provisions to be in force in the settlement from the present date.

The Gentlemen noted in the margin,* are hereby authorized to constitute themselves a Committee as provided in Section 2, of the said enactment.

J. THORNTON,

Secretary to the Government, N. W. P.

* M. Gen. Sir W. B. Richards, K. C. B.
G T. Lushington, Esquire, C. S.
Major H. H. Arnand.
Captain W. P. Waugh.
P. Barron, Esquire.

REVENUE DEPARTMENT.

The 31st May, 1845.

Resolution for giving effect to Act. VII. 1845, regarding Canals, passed by the Honorable the Lieut. Governor, North Western Provinces.

1. Under the powers vested in the Lieutenant Governor of the North Western Provinces, by Section I. Act VII. of 1845, the provisions of the Act in question are declared applicable to the following Canals and Water-courses.

1st. The Western Jumna Canal, running through Delhie and throwing off branches to Hissar and Rohtuck.
2nd. The Eastern Jumna Canal, running near Saharunpore.
3rd. The Beejapoor Canal in the Dehra Dhoon, drawn from the left bank of the Touse river, near the village of Beejapoor.
4th. The Rajpoor Canal in the Dehra Dhoon, drawn from the right bank of the Ruspunnah River, below the village of Rajpoor.
5th. The Nugeenah Canal in Zillah Bijnore, Rohilcund, drawn from the right bank of the river Koh, and passing by the town of Nugeenah.

2. In conformity with Section 8 of the aforesaid Act, the Superintendents of the said Canals are invested with the powers of Deputy Collectors for the levy of rents, and of Joint Magistrates for the enforcement of penalties under the aforesaid Act, and their Assistants are declared competent to exercise the same powers under their directions and on their responsibility. The subordinate establishments of such Superintendents have the powers of subordinate Revenue and Police Officers for the aforesaid purposes. An appeal lies direct to the Commissioner of the Division against orders, passed by the Superintendent or his Assistant in the capacity of Deputy Collector, and to the Sessions Judge against orders passed in the capacity of Joint Magistrate.

3. The officers at present holding the above appointments and invested with the above powers are:

Western Jumna Canal.

Captain A. H. E. Boileau, Engineer, *Superintendent.*
Lieutenant H. Yule, Engineer, ...
Lieutenant H. Whiting, Engineer, } *Assistants.*
Conductor W. Dawe,.... ....

Eastern Jumna Canal.

Lieutenant E. B. Smith, Engineer, *Superintendent*
Lieutenant W. E. Morton, *Assistant.*

Beejapoor and Rajpoor Canals.

Captain H. Kirk, 12th Native Infantry, *Superintendent.*

Nugeenah Canal.

The Collector, Deputy Collector, and Assistant Collector of Zillah Bijnore, for the time being.

4. In conformity with Section 2, of the aforesaid Act, the following rules are passed to be in force on the above Canals and Water-courses.

Rules for the Western and Eastern Jumna Canals.

5. I. Cultivators, whose lands lie within reach of the Canal, may, on their application, have water for irrigation, at the following rates:

	Description of the produce.	On land irrigated naturally by flow of water.			On land irrigated artificially by machinery.			For what period.
		Per Acre.			Per Acre.			
		Rs.	As.	P.	Rs.	As.	P.	
First class.	Fruit Gardens or nursery Gardens, ...	5	0	0	4	0	0	per annum.
Second.	Vegetable Gardens, Indigo, Sugar-cane, Tobacco, Singharas, cultivated grasses, as Lucerne, Guinea Grass, &c. Ajwain and similar herbs,	2	0	0	1	8	0	per annum or crop.
Third.	Rice, Cotton, Wheat, Oats, Indian Corn, Goochnee, Vegetable (single crops), Safflower,	1	0	0	0	10	8	per crop.
Fourth.	Grain, Barley, Oil-seeds, Cheenah, Jowar, pulse of all kinds.	0	10	8	0	8	0	per crop.

6. II. When it may be more expedient to give water on contract rather than according to the surface irrigated, the terms of contract may be as follows:—

Where the water flows naturally, 2 Rupees per annum for every square inch of opening, taken from the summit level of the water and having a free-course.

Where the water requires to be raised artificially the rate to vary according to the opening as above, or according to the machine used.

Chumbul, 30 Rs. per annum, or 16 Rs. per crop.
Ruhuts, 24 Rs. per annum, or 12 Rs. per crop.
Churrus, 24 Rs. per annum, or 12 Rs. per crop.
Dauls, 18 Rs. per annum, or 9 Rs. per crop.
Dheklies 6 Rs. per annum, or 3 Rs. per crop.
And rateably for any other machinery.

7. III. In the event of any persons secretly taking water from the Canal, in any manner, for which rent is leviable, without coming under engagements to pay the rent, or secretly taking more water than he engaged to pay for, he shall be chargeable with double rates for all water so taken.

8. IV. All land brought into cultivation within 20 yards of the Canal, or any branch stream from it, subsequently to the construction of the Channel, shall pay water-rent, whether taking water or not, and similarly all land cultivated from Wells, which have been dug or re-opened within 20 yards of the Canal boundary, or within 20 yards of any branch stream from it subsequently to the construction of the Canal, shall pay water-rent, whether taking water or not from the Canal.

9. V. When from the carelessness of the cultivators, either in not properly closing the heads of their water-courses, or in leaving the water-courses in bad order, the water overflows and spreads over waste or fallow land or roads, a fine shall be levied not exceeding the highest rate of water-rent, leviable on the extent of land flooded.

10. VI. It shall be in the power of the Canal Officers to close the whole of the branch water-courses from sunset to sunrise, for the purpose of forcing the water on to the lower parts of the Canal, and also, when necessary, for any period not exceeding three days in a week. At other times, the water shall be at the command of the cultiva-

tors, provided it be in the power of the Canal Officers to furnish a supply. Persons taking water once, so as to benefit a crop, shall be liable to the charge for the whole year, or the whole crop, as the rate may be leviable.

11. VII. Special agreements between individuals and the Superintendent for the use of water for irrigation, for driving machinery, or for other purposes, on other terms than are embodied in these rules, shall be construed as other ordinary contracts are.

12. VIII. When a branch water-course may have been formed by the owners of two or more villages, at their joint expense, and the owners of any one of the villages, by refusing or neglecting to clear out their portion of the water-course, shall impede the free flow of the water, the Superintendent shall be competent to cause the channel to be cleared at the Public expense, and shall recover such sums as Tuccavee from the owners of the adjacent village or of the villages profiting thereby, in such proportions as he may consider just, and according to the method prescribed in these Rules.

13. IX. The Superintendents and their Assistants in realizing balances of Tuccavee or of water-rent, are empowered to proceed themselves against the persons or personal property of defaulters, under the provision of the Regulations applicable to the case; but if they consider it necessary to proceed against the real property of the defaulters, they will address a requisition to that effect to the Collector of the District in which such property is situated. The Collector, on receiving the requisition, will proceed in the same way as he would upon any similar requisition addressed to him by the Collector of another district.

14. X. Villages that pay less than 100 Rupees in the year for water-rent, or that do not take water upon contract, shall also be liable to the following charges:—

For the watering of camels or cattle, 60 Rupees per Annum for every 1,000.

For the watering of sheep and goats, 20 Rupees per Annum for every 1,000.

For filling Tanks or Reservoirs, whenever water can be spared, 5 Rupees per 24 hours' run for every 100 square inches of opening, through which the water is supplied.

15. XI. Villages that pay 100 Rupees per Annum, shall be exempt from these charges, and those that take water by contract, shall use the water so supplied to them in any way they prefer, but shall not be allowed to sublet it either for irrigation, or for watering the cattle of other villages.

16. XII. Tolls at the following rates shall be leviable on all rafts passing along the Canal:—

Saul Timbers,	1st class	above 5	feet girth,	per	20	....	....	....	Rs.	40	0	0
Ditto ditto,	2nd ditto	4 to 5	feet ditto,	do.	do.	....	....	....	,,	30	0	0
Ditto ditto,	3rd ditto	under 4	feet ditto,	do.	do.	....	....	....	,,	20	0	0
Toon Timbers,	1st ditto	above 5	feet ditto,	do.	do.	....	....	....	,,	30	0	0
Ditto ditto,	2nd ditto	3½ to 5	feet ditto,	do.	do.	....	....	....	,,	20	0	0
Ditto ditto,	3rd ditto	under 3½	feet ditto,	do.	do.	....	....	....	,,	10	0	0
Sissoo Timbers,	1st ditto	about 4	feet ditto,	do.	do.	....	....	....	,,	20	0	0
Ditto ditto,	2nd ditto	2½ ft. to 4	feet ditto,	do.	do.	....	....	....	,,	10	0	0
Ditto ditto,	3rd ditto	under 2½	feet ditto,	do.	do.	....	....	....	,,	5	0	0
Babool Timbers or Spars,....		....	.. ....	do.	do.	....	....	....	,,	5	0	0
Ash Spars, ...	....	....	.. ....	do.	do.	....	....	....	,,	10	0	0
Fir Spars, ...	....	....	.. ....	do.	do.	....	....	....	,,	10	0	0
Kolhoo, ...	....	....	.. ....	do.	do.	....	....	....	,,	20	0	0
Saul Golah, 1st class, large,		....	.. ....	do.	do.	....	....	....	,,	10	0	0
Ditto ditto, 2nd ditto, small		....	.. ....	do.	do.	....	....	....	,,	5	0	0
Ditto Bullahs, ...	....	....	.. ....	do.	do.	....	....	....	,,	5	0	0
Ditto Botahs, ...	....	....	.. ....	do.	do.	....	....	....	,,	5	0	0
Ditto Turruks, ...	....	....	.. ....	do.	do.	....	....	....	,,	2	8	0

Ditto	Pharahs, 1st class	....	..	....	per	20	....	....	....	Rs.	2 8 0
Ditto	ditto 2nd ditto, ...	....	..	....	do.	do.	....	....	....	,,	1 14 0
Ditto	ditto 3rd ditto, ...	....	..	....	do.	do.	....	....	....	,,	1 4 0
Ditto	Kurries, 1st ditto, above 12 feet long, ..			....	do.	do.	....	....	....	,,	1 4 0
Ditto	ditto, 2nd ditto, 9 to 12 feet ditto, ..			....	do.	do.	....	....	....	,,	0 15 0
Ditto	ditto 3rd ditto, under 9 feet ditto, ..			....	do.	do.	....	....	....	,,	0 10 0
Ditto	Tars 1st ditto, ...	....	..	....	do.	do.	....	....	....	,,	1 4 0
Ditto	ditto 2nd ditto, ...	....	..	....	do.	do.	....	....	....	,,	0 15 0
Ditto	Bullies, ...	....	..	....	do.	do.	....	....	....	,,	0 10 0
Ditto	Plank Packs, 1st class, above 2½ feet girth, ..				do.	do.	....	....	....	,,	5 0 0
Ditto	ditto 2nd ditto, under ditto ditto, ...				do.	do.	....	....	....	,,	2 8 0
Ditto	Plank, ...	....	..	....	per	foot	....	....	....	,,	0 0 2
Lat for Kolhoo, ...		....	..	....	per	20	....	....	....	,,	1 4 0
Tarun, ...		....	..	....	do.	do.	....	....	....	,,	0 ¾5 0
Bamboos,	....	....	..	....	do.	100	....	....	....	,,	0 8 0
Firewood,	....	....	..	....	do.	100 Maunds		....	....	,,	1 0 0
Surkundahs, Bundle,		....	..	....	do.	100	....	....	....	,,	1 0 0
Grass, ...		....	..	....	do.	1000	....	....	....	,,	0 8 0
Ban, &c...		....	..	....	do.	100 Maunds		....	....	,,	1 0 0

The above are the rates for passing along the whole course of the Canal; but for intermediate distances, the following proportions of the above shall be charged:—

On the Western Jumna Canals.

From Canal Head to Kurnaul along the Delhie branch,		one-half.
From Kurnaul to the Regulating Bridge,	..	1-8th.
From Regulating Bridge to the Bullee Bridge,	..	1-8th.
From Bullee Bridge, to the Bowana Bridge,	..	1-8th.

Along the Hissar Branch.

From Kurnaul to the Regulating Bridge. ..	..	1-8th.
From the Regulating Bridge to the Chappur Bridge,	..	1-8th.
From the Chappur Bridge to the Ranna Bridge,	..	1-8th.

On the Eastern Jumna Canals.

From Canal Head	to Kulsea,	..	1-10th.
Ditto Kulsea	Ditto to Manickmow,	..	1-10th.
Ditto Manickmow	Ditto to Abba,	..	1-10th.
Ditto Abba	Ditto to Berkheri,	..	1-10th.
Ditto Berkheri	Ditto to Byuswal,	..	1-10th.
Ditto Byuswal	Ditto to Kandla,	..	1-10th.
Ditto Kandla	Ditto to Barote,	..	1-10th.
Ditto Barote	Ditto to Deola,	..	1-10th.
Ditto Deola	Ditto to Surrowlee,	..	1-10th.
Ditto Surrowlee	Ditto to Selimpoor,	..	1-10th.

17. XIII. Rowannahs will be given by the Superintendent or his Assistants for passing rafts, on payment of the above rates.

18. XIV. Double duties will be charged on all articles landed elsewhere than at the place stated in the Rowannah, or that may be unprotected by a Rowannah, or that may be in excess of the amount specified in the Rowannah.

19. XV. Rafts, on reaching their destination, must be taken out of the water without loss of time. If unnecessary delay takes place, they will be landed by the Officers of the Canal, and the cost charged to the owners.

20. XVI. Injury to the Bridges and Masonry, will render the owners of Rafts liable to charge for the repair. But if the injury be wilful or wanton, the offender will be further punishable under Section 5, of the Act.

21. XVII. Ferry Boats shall not ply on the Canal, except under license from the Superintendent to be given or withheld at his discretion; but no charge shall be made for such licenses. Any other boats kept on the canal for purposes of pleasure or traffic, shall be licensed on such terms as may be agreed upon between the superintendent and the owner of the boats.

22. XVIII. The jurisdiction of the superintendents and their assistants, as Joint Magistrates, in all cases provided for in this Act, shall extend over all places within canal bounds or where there may be no apparent and recognized bounds for 30 yards on each side of the high water mark on every principal channel of the canal, and for 10 yards on each side of every Rajbuha or other branch water-course, supplying water to more than one village, and over every plantation and building or enclosure belonging to the Government, and under the charge of the canal officers. Beyond these limits, they will have concurrent jurisdiction with the Magistrate, for the pursuit and apprehension of offenders.

23. XIX. Persons, injuring the canal banks, or the canal property within the aforesaid limits, or wilfully driving their cattle, so as to damage the banks or the property, or otherwise acting within the said limits, as prohibited in Section 5, of the Act, shall be liable to the penalties prescribed in the Act, but for cattle accidentally straying, the penalty shall not exceed, for

Every elephant,.. .. .. 1 rupee,
Every camel,.. .. .. 4 annas,
Every buffalo or head of cattle, horse, mule, pony or ass, 2 annas,
For every sheep or goat, ... 1 anna,

together with the expenses of feed and keep, and the cost of repair for damage done. Unclaimed cattle will be sent to the established canal pounds to be disposed of by the superintendent as usual, and the net proceeds of the sale will be credited to the canal. Cattle or other animals going down to the stream, or crossing it at any other places than the established ghats or fords, will be held to have been wilfully driven, or to have accidentally strayed, as the case may be.

Rules for the Beejapoor and Rajpoor canals.

24. I. Cultivators, whose lands lie within reach of the canal, or of reservoirs filled from the canal, may, on their application, have water for irrigation from the canal, the tanks or reservoirs, made or repaired by the Government, and filled from the canal, at the following rates:—

	Description of the Produce.	On land irrigated naturally by flow of water. Per Acre. Rs.	As.	P.	For what period.
First class.	Fruit Gardens or nursery Gardens, ...	2	8	0	per annum.
Second.	Vegetable Gardens, Indigo, Sugar-cane, Tobacco, Singharas, cultivated grasses as Lucerne, Guinea grass, &c, Ajwain and similar herbs, Rice grown in kyarees or beds, ...	1	0	0	per annum or crop.
Third.	Rice not grown in kyarees, Cotton, Wheat, Oats, Indian corn, Goochnee, Vegetable, (single crop), Safflower, ...	0	8	0	per crop.
Fourth.	Grain, Barley, Oil-seeds, Cheenah, Jowar, pulse of all kinds.	0	8	0	per crop.

25. II. In the event of any person secretly taking water from the canal in any manner, for which rent is leviable, without coming under engagements to pay the rent, or secretly taking more water than he engaged to pay for, he shall be chargeable with double rates for all water so taken.

26. III. When from the carelessness of the cultivators, either in not properly closing the heads of their water-courses, or in leaving their water-courses in bad order,

the water overflows and spreads over waste or fallow land or roads, a fine shall be levied not exceeding the highest rate of water-rent, leviable on the extent of land flooded.

27. IV. It shall be in the power of the canal officers to close the whole of the branch water-courses from sunset to sunrise, for the purpose of forcing the water on to the lower parts of the canal, and also, when necessary, for any period not exceeding three days in a week. At other times, the water shall be at the command of the cultivators, provided it be in the power of the canal officers to furnish a supply. Persons taking water once, so as to benefit a crop, shall be liable to the charge for the whole year, or the whole crop, as the rate may be leviable.

28. V. Special agreements between individuals and the superintendent for the use of water for irrigation, for driving machinery, or for other purposes in other terms than are embodied in these rules, shall be construed as other ordinary contracts are.

29. VI. When a branch water-course may have been formed by the owners of two or more villages at their joint expense, and the owners of any one of the villages, by refusing or neglecting to clear out their portion of the water-course, shall impede the free flow of the water, the superintendent shall be competent to cause the channel to be cleared at the public expense, and shall recover such sums as tuccavee from the owner of the adjacent village, or of the villages profiting thereby, in such proportions as he may consider just, and according to the method prescribed in these rules.

30. VII. The superintendent in realizing balances of tuccavee, or of water-rent, is empowered to proceed himself against the persons, or personal property of defaulters, under the provisions of the Regulations applicable to the case; but if he consider it necessary to proceed against the real property of the defaulters, he will address a requisition to that effect to the Collector of the district in which such property is situated. The Collector, on receiving the requisition, will proceed in the same way as he would upon any similar requisition addressed to him by the Collector of another district.

31. VIII. The jurisdiction of the superintendent as Joint Magistrate, in all cases provided for in this Act, shall extend for 12 yards on each side of the high water mark on every channel or stream conveying water to more than one village, or to a reservoir and on every side of the high water mark of every tank or reservoir constructed or kept in repair by the canal officers, and filled from the canal, also over every plantation and building or enclosure belonging to the Government, and under the charge of the canal officers, and also up the course of the stream, from which the canal is drawn, from the head of the canal to the debouche of the stream from the hills, or to any place where water-courses may be cut, or machines constructed. Beyond these limits, he will have concurrent jurisdiction with the Magistrate, for the apprehension of offenders.

32. IX. Persons injuring the canal banks or the canal property, within the aforesaid limits, or unnecessarily dirtying or defiling the water, or injuriously impeding the free flow of water to the canal head, or wilfully driving their cattle or other animals, so as to damage the banks or the property, shall be liable to the penalties prescribed in the Act, but for cattle accidentally straying, the penalty shall not exceed,

For every elephant, ...	1 rupee,
For every camel, ...	4 annas,
For every head of cattle, horse, &c., ...	2 annas,
For every sheep or goat, ...	1 anna,

together with the expenses of feed and keep, and the costs of repair for damage done. Unclaimed cattle or other animals will be sent to the established canal pounds to be disposed of by the superintendent, as usual, and the net proceeds of the sale will be credited to the canal. Cattle or other animals crossing the canal, at other than the

authorized places, or drinking elsewhere than from the appointed reservoirs or permitted spaces, will be held to have been wilfully driven, or to have accidentally strayed, as the case may be.

Rules for the Nugeenah Canal.

33. I. Cultivators, whose lands lie within reach of the canal, may, on application received within the prescribed dates, have water on the following terms :—

	Description of produce.	On land irrigated by natural flow of water.			On land irrigated artificially by machinery.			For what period.
		Per Acre.			Per Acre.			
		Rs.	As.	P.	Rs.	As.	P.	
First class.	Fruit Gardens or nursery Gardens, ...	5	0	0	4	0	0	per annum.
Second.	Vegetable Gardens, Indigo, Sugar-cane, Tobacco, Singharas, cultivated grasses, Ajwain, &c. &c.,	2	0	0	1	8	0	per crop.
Third.	Rice, Cotton, Wheat, Oats, Barley, and all other grains and pulses,	1	0	0	0	10	8	per crop.

34. II. Owing to the limited supply of water in the canal, it is necessary to fix the number of waterings which can be given to each crop. If there be not enough water to give the prescribed number of waterings, a rateable deduction shall be made for the deficiency.

Description of produce.	Number of waterings.
Fruit Gardens or nursery Gardens, ...	8 Waterings per annum.
Moonjee, ...	5 Waterings per crop.
Rice, Sugar-cane, Indigo, Tobacco, Singharas, cultivated grasses, Ajwain, &c...	4 Waterings per crop.
Cotton, Wheat, Barley, and all other grains and pulses,	3 Waterings per crop.

35. III. The following dates are fixed, up to which applications will be received and registered for the different descriptions of produce.

For Gardens, Sugar-cane, Tobacco and extraordinary crops, ... 15th March.
For Indigo, Singharas and the ordinary khurreef crops, ... 1st June.
For Vegetables, cultivated grasses and the ordinary rubbee crops. 1st Nov.

36. IV. All applications tendered after the abovementioned dates to be treated at the discretion of the canal officer;

1. By absolute rejection.
2. By granting the prescribed waterings and levying double rates.
3. By granting only one or two waterings and levying the full rates.

37. V. In the event of the cultivator being found to have irrigated more land than he had applied for, he shall be charged double rates for all the excess, provided, however, that no charge shall be made for any excess under five per cent. on the area applied for.

38. VI. If the excess prove uncultivated or fallow land, the rate levied shall be the highest rate of water-rent.

39. VII. All land brought into cultivation within 10 yards of the canal, or any branch stream from it, subsequently to the construction of the canal, shall pay water-rent whether taking water or not, and similarly all land cultivated from wells which have been dug or re-opened within 10 yards of the canal boundary, within 10 yards of any branch stream from it, subsequently to the construction of the canal or branch, shall pay water-rent, whether taking water or not from the canal.

40. VIII. When from the carelessness of the cultivators, either in not properly closing the heads of their water-courses or leaving the water-courses in bad order, the

water overflows and spreads over waste or fallow land or road, a fine shall be levied not exceeding the highest rate of water-rent leviable on the extent of land flooded.

41. IX. The canal officer shall be at liberty to close the canal once every year, for clearing the bed and repairing the banks, provided, however, that the period occupied in repairs shall never exceed one month, and shall always be chosen when there is the least demand for water.

42. X. Special agreements between individuals and the superintendent for the use of water for irrigation, for driving machinery, or for other purposes, in other terms than are embodied in these rules, shall be construed as other ordinary contracts are.

43. XI. When a branch water-course may have been formed by the owners of two or more villages at their joint expense, and the owners of any one of the villages, by refusing or neglecting to clear out their portion of the water-course, shall impede the free flow of the water, the superintendent shall be competent to cause the channel to be cleared at the public expense, and shall recover such sums as tuccavee from the owners of the adjacent village, or of the villages profiting thereby, in such proportions as he may consider just, and according to the method prescribed in these rules.

44. XII. The superintendents and their assistants, in realizing balances of tuccavee or of water-rent, are empowered to proceed themselves against the persons, or personal property of defaulters, under the provisions of the Regulations applicable to the case; but if they consider it necessary to proceed against the real property of the defaulters, they will address a requisition to that effect to the Collector of the district in which such property is situated. The Collector, on receiving the requisition, will proceed in the same way as he would upon any similar requisition addressed to him by the Collector of another district.

45. XIII. The following charges are fixed for the watering of cattle:—

For camels, cattle, horse, &c., ... 60 rupees yearly for 1,000.
For sheep, goats, &c., ... 26 rupees yearly for 1,000.

46. XIV. For filling tanks or reservoirs, whenever water can be spared, a rate of 5 rupees per 24 hours' run for every 20 square inches of opening shall be levied.

47. XV. The jurisdiction of the canal officer shall extend to 15 yards on each side of the canal, and over every plantation, building, and enclosure belonging to the Government and under the charge of the canal officer. Beyond these limits, he will have concurrent jurisdiction with the Magistrate, for the pursuit and apprehension of offenders.

48. XVI. Persons injuring the canal banks, or the canal property within the aforesaid limits, or wilfully driving their cattle, so as to damage the banks or the property, or otherwise acting within the said limits, as prohibited in Section 5, of the Act, shall be liable to the penalties prescribed in the Act, but for cattle accidentally straying, the penalty shall not exceed, for

Every elephant, ... 1 rupee,
Every camel, ... 4 annas,
Evey buffalo or head of cattle, horse, mule, poney or ass, .. 2 annas,
For ever sheep or goat, ... 1 anna,

together with the expenses of feed and keep, and the cost of repair for damage done. Unclaimed cattle will be sent to the established canal pounds to be disposed of by the superintendent, as usual, and the net proceeds of the sale will be credited to the canal. Cattle or other animals going down to the stream, or crossing it at any other places than the established ghats or fords will be held to have been wilfully driven, or to have accidentally strayed, as the case may be.

J. THORNTON,
Secretary to Government, N. W. P.

GENERAL DEPARTMENT.

Agra, the 19th June, 1845.

The Honorable the Lieutenant Governor directs the publication of the following orders, which have been issued on the subject of indigenous village schools.

1. Circular to Collectors and Magistrates.

(English and Oordoo).

2. Instructions to Tuhseeldars.

(English and Oordoo).

3. Return of the state of indigenous schools.

(English and Oordoo).

By order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,
Secretary to the Government, N. W. P.

To the Collector and Magistrate, ———,

The Lieutenant Governor is desirous to draw your attention to the subject of vernacular education in the district entrusted to your charge.

2. It is generally admitted that the standard of education amongst the people is very low. At the same time causes are now at work, which tend rapidly to raise the standard, and improve the intellectual state of the whole population.

3. The people of Hindostan are essentially an agricultural people. Any thing which concerns their land immediately rivets their attention and excites their interest.

4. During the late settlement a measurement has been made and a map drawn of every field in these provinces, and a record formed of every right attaching to the field. The Putwaree's papers, based on this settlement, constitute an annual registry of these rights, and are regularly filed in the Collector's office. They are compiled on an uniform system, and are the acknowledged ground-work of all judicial orders regarding rights in land.

5. It is important for his own protection, that every one possessing an interest in the land, should be so far acquainted with the principles on which these papers are compiled, as to be able to satisfy himself that the entries affecting himself are correct.

6. There is thus a direct and powerful inducement to the mind of almost every individual to acquire so much of reading, writing, arithmetic and mensuration, as may suffice for the protection of rights. Until this knowledge be universal, it is vain to hope that any great degree of accuracy can be attained in the preparation of the papers.

7. When the mind of the whole people has thus been raised to a sense of the importance of knowledge, it is natural to suppose that many from the mass will advance further and cultivate literature for the higher rewards it offers, or even for the pleasure which its acquisition occasions.

8. You will hence perceive that it is your duty with reference to the great interests immediately entrusted to your care, to do all in your power to promote the education of the people.

9. The means for this purpose are at hand in the indigenous schools which are scattered over the face of the country. Their number may not at present be large, and the instruction conveyed in them is known to be rude and elementary. But their numbers may be increased, and the instruction conveyed in them may be improved.

10. In this, as in all other operations, it is most important to carry the people with you, and to aid their efforts, rather than remove from them the stimulus to exertion by making all the effort yourself. Judicious encouragement on your part will promote the formation of village schools, and enlist on your side in the work of educa-

tion the persons whom the people themselves may select as their teachers, and support for that purpose. It is not unreasonable to expect that before long the village school-master will be as recognized a servant of the community, as any other of the servants whose remuneration is now borne amongst the authorized village charges.

11. These school-masters may be encouraged by kindly notice, and by occasional rewards to the most deserving of themselves or of their scholars. They may be aided by the distribution of printed and lithographed books.

12. A series of village school-books is now in course of preparation, and will shortly be circulated. They will be short, very elementary, and strictly on the system now followed in all native schools. The series will contain instructions in mensuration according to the native method, and explanations of the form and object of the Putwarree's papers.

13. When these books are circulated, you will also be apprized of other measures which will be organized for the superintendence of village schools, much on the plan recommended by Mr. W. Adam in his third report on the state of education in Bengal furnished to the Government in the year 1838.

14. In the mean time, it is necessary that you apply yourself without further delay to the collection of statistical details regarding the actual state of education in your district. This enquiry should embrace education in all its branches—the lowest and the highest.

15. It is important that the information should be furnished in an uniform manner. For this purpose 3 copies of a reprint of so much of Mr. Adam's third report, as shows his plan of arranging the statistics of the districts he visited, is forwarded for your information, and for distribution to your subordinates. Your report will be drawn up as nearly as may be convenient on this model; but you will consider the district as divided into pergunnahs rather than into Thannas, which are the local subdivisions of a district best known in Bengal. I am further desired to furnish you with the following instructions as to the method in which the information may be collected.

16. The revenue officers of the Government are the persons, whom you will naturally employ as your agents. Directions for the guidance of the Tuhseeldars have been compiled, as well as a translation of so much of Mr. Adam's report as will apprize them of the object in view, and several copies are herewith forwarded to you for distribution.

17. You will first draw up in your own office for each pergunnah a return of the form annexed, filling in from the settlement records the names of all the mouzahs, arranged according to the Persian alphabet, their jumma, and population. Where there are no schools in a mouzah, the line assigned to that mouzah will remain blank; where there are more schools than can be conveniently shown in the allotted space, the detail will be separately given in a supplemental return, to which reference will be made on the face of the statement.

18. It is essential that every mouzah be entered in the statement in order that no one be overlooked.

19. When you receive back the statements from the Tuhseeldars, you will not adopt them, till you are quite satisfied of their correctness. You will easily test them by independent enquiries made by any trustworthy person in your office, regarding several entries taken at random throughout the whole. During the frequent visits to the several parts of your district, made by yourself or your subordinates, you will ascertain the accuracy of the returns by personal enquiries. It is impossible that, with ordinary care, your return should be otherwise than correct.

20. The Lieutenant Governor will feel gratified by any remarks or suggestions which you may make on the subject, when you furnish the report.

(Signed) J. THORNTON,

Secy. to the Government, N. W. P.

INSTRUCTIONS TO TUHSEELDARS.

1. The Government is desirous to receive from you a return of the number of schools in your Tehsildary.

2. The object of the enquiry is to promote the formation of these schools, and improve the education given in them, so that the Zemindars and Ryuts may be able to read and write and understand the Putwarrees' papers and see that they are accurately drawn up.

3. The Government does not intend to establish schools of its own, but it intends to help the people in establishing schools for themselves.

4. You will hereafter be informed in what way help will be given: at present the Government wishes to know how many schools there are in your Tehsildary, what is taught in those schools, and how the teachers are remunerated.

5. A form is sent to you in which you will enter the required information, under the several heads: you will observe that a single line is allotted to every village in your jurisdiction. If the village contains no schools, you will leave the line blank; if it contains more schools than there is room for, you will enter the details in a separate supplemental return, and make a reference to that return on the face of the statement.

6. A translation is annexed of the report furnished to the Government of Bengal by Mr. Adam regarding the state of education in zillah Beerbhoom. A similar report for the whole district will be drawn up by the Collector from the returns of the several Tuhseeldars. If you feel disposed to draw up yourselves a report in that form for your own Tuhseeldary, it will be better. The facts regarding each pergunnah should be noted separately, without regard to the division of the district into Thanahs.

7. You will collect the information requisite to fill up the entries through the pergunnah quanoongoes and village Putwarrees, testing it in every available manner, but you will be careful not to harass the people by summoning them to answer on the subject: it is better you should take a little longer time in completing the return, than that you should give the people any annoyance in preparing it: you will spare no pains in ensuring its accuracy.

8. The entries in the several columns of the annexed specimen form will explain to you how they should be filled up.

(Signed) J. THORNTON,
Secretary to the Government, N. W. P.

JUDICIAL DEPARTMENT.

The 12th July, 1845.

In conformity with the provisions of Act XV. of 1836, the Hon'ble the Lieutenant Governor, North Western Provinces, is pleased to direct, with the sanction of the Right Hon'ble the Governor General in Council, that all regular as well as special appeals, which may hereafter be preferred against the decisions of the Sub-Commissioner at Simlah in civil cases, shall be heard and determined by the Court of Sudder Dewanny Adawlut. North Western Provinces.

Such appeals as may now be pending before the Governor General's Agent, north western frontier, will be disposed of as heretofore by that authority.

J. THORNTON,
Secretary to the Government, N. W. P.

No. 3395.

JUDICIAL DEPARTMENT.

To the Commissioners of Divisions.

I am directed by the Hon'ble the Lieutenant Governor to request that you will instruct the Magistrates within your divisions, to keep the strictest watch over all

reclaimed or surrendered Budhucks, who may be employed in their police. If any of these men shall at any time abscond, the Magistrates will immediately report the circumstance to the Assistant Commissioner for the suppression of Dacoity, or if it shall be necessary to discharge any of them, the Magistrates will make them over to that officer, for such orders as the Commissioner for the suppression of Dacoity may give.

J. THORNTON,
Secretary to the Government, N. W. P.

Agra, the 11*th August*, 1845.

SEPARATE REVENUE DEPARTMENT.

The 12*th September*, 1845.

The Hon'ble the Lieutenant Governor is pleased to notify, under the provisions of Act XIV. 1843, that pergunnah Noh, zillah Goorgaon, and any land intervening between it and the north western frontier line, is brought under Customs jurisdiction.

The manufacture and storing of Salt in that Pergunnah, under the supervision and control of the officers of the Customs Department, is sanctioned.

J. THORNTON,
Secretary to the Government, N. W. P.

JUDICIAL DEPARTMENT.

The 12*th September*, 1845.

In order to obviate the necessity for the constant references which are now made to Government regarding the disposal of prisoners sentenced to transportation beyond seas, the Hon'ble the Lieutenant Governor North Western Provinces, is pleased to direct the following arrangements.

I. The following jails are to be considered as receiving jails in the first instance for all prisoners sentenced to transportation in the district specified.

Allyghur—for the districts in the Dehlie and Meerut divisions.

Furruckabad—for the districts in Rohilkund.

Cawnpore—for the districts in the Agra division (except Furruckabad).

Allahabad—for Bundelkund and the districts in the Allahabad division (except Cawnpore).

Benares—for Jounpore.

Ghazeepore—for Azimghur and Goruckpore.

II. The Magistrates of the several districts will forward their convicts to the receiving jails, at such times and in such numbers as may be most economical and convenient, accompanied with the usual warrant and descriptive roll. The Magistrates in the several Delhie districts will forward them in the first place to the Magistrate of Delhie, who will receive charge of them, and send them on with the convicts from his own jail. In the same way, the Magistrate of Meerut will receive charge of the prisoners from the Dhoon, Mozuffurnuggur and Saharunpoor; the Magistrate of Bareilly of those from Bijnore and Moradabad; the Magistrate of Agra of those from Muttra, and the Magistrate of Futtehpore of those from Banda and Humeerpoor.

III. On the 1st January in each year, and on the first day of each following quarter, the prisoners who have been collected at Allyghur and Furruckabad respectively, will be forwarded to Cawnpore, from whence they will proceed, together with the Cawnpore prisoners, in one body, to Allahabad.

IV. From Allahabad and the other river stations, the convicts will be despatched to Calcutta, per steamer, as opportunity may offer; the Magistrates communicating direct for this purpose with the Agent for Government steamers at Allahabad.

V. Previous to each despatch, the Magistrate of each river station will furnish the Superintendent of the Allipore Jail, direct, with a Statement shewing the number of prisoners to be expected, in order that due provision may be made for their reception. This Statement will be drawn out in the usual form, with an additional column to shew the district from which the prisoner was originally sent, and will be headed "Statement of Convicts sentenced to transportation for life, despatched on the —— of ———— 184 —, to Calcutta, from the jail at ———."— A Copy of each Statement will be forwarded for record in this Office.

J. THORNTON,
Secretary to the Government, N. W. Provinces.

No. 4399.

JUDICIAL DEPARTMENT.

The 13*th October*, 1845.

The Lieutenant Governor is pleased to resolve, that all Deputy Collectors under Regulation IX. 1833, now employed in the North Western Provinces, shall be considered vested with the powers of Deputy Magistrates under Act XV. 1843, and, as such, shall be competent to exercise the ordinary powers of Covenanted Assistants as described in Section 20, Regulation IX. of 1807.—Special application must be made to Government, if it be considered desirable to invest any such Deputy Magistrates with special powers under Regulation III. 1821, or with the full powers of a Magistrate, as authorized by Section 3, Act XV. 1843. Those Deputy Collectors who have been already vested with powers greater than those of ordinary Covenanted Assistants, will retain them, to the extent to which they have been conferred in each case.

J. THORNTON,
Secretary to the Government, N. W. Provinces.

SEPARATE REVENUE DEPARTMENT.

The 13*th October*, 1845.

1. In order to simplify the process of obtaining credit for the Land Frontier Duty, claimable on the export of Cotton Wool from the port of Calcutta, under the terms of Schedule B. Act XIV. of 1836, it is hereby notified, with the concurrence of the Right Honorable the Governor of Bengal, that the grant of export certificates at the Custom House of Mirzapoor will hereafter be discontinued. The production of the cancelled Rowannah, which covered the despatch of Cotton on its passage across the Frontier Line, will be held sufficient to entitle the holder to receive credit for the duty at the Calcutta Custom House.

2. Merchants, who may be desirous to export by sea the Cotton Wool which they bring across the Frontier Line, are cautioned carefully to preserve the cancelled portion of their Rowannah, which will be returned to them under No. XIX. of the Rules of February 10th, 1844, and Officers in the Customs Department are enjoined to see that the entries in the cancelled portion which may be returned to the Merchant are accurately and regularly filled up.

J. THORNTON,
Secretary to the Government, N. W. Provinces.

ANNO OCTAVO AND NONO VICTORIÆ REGINÆ.

CAP. XXX.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council.* [30th *June*, 1845].

3 and 4 W. 4. c. 41.

WHEREAS by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, after reciting that various Appeals to His Majesty in Council from the Courts of Sudder Dewanny Adawlut at the several Presidencies of *Calcutta*, *Madras*, and *Bombay*, in the *East Indies*, had been admitted by the said Courts, and the Transcripts of the Proceedings in Appeal had been from time to time transmitted under the Seal of the said Courts through the *East India* Company, then called the United Company of Merchants of *England* trading to the *East Indies*, to the Office of His Majesty's said Privy Council, but that the Suitors in the Causes so appealed had not taken the necessary Measures to bring on the same to a Hearing, it was enacted that it should be lawful for His Majesty in Council to give such Directions to the said Company and other persons, for the Purpose of bringing to a Hearing before the Judicial Committee of the Privy Council the several Cases appealed or thereafter to be appealed to His Majesty in Council from the several Courts of Sudder Dewanny Adawlut in the *East Indies*, and for appointing Agents and Counsel for the different Parties in such Appeals, and to make such orders for the Security and Payment of the Costs thereof as his said Majesty in Council should think fit, and thereupon such Appeals should be heard and reported on to His Majesty in Council, and should be by His Majesty in Council determined, in the same manner, and the Judgments, Orders, and Decrees of His Majesty in Council thereon should be of the same Force and Effect, as if the same had been brought to a Hearing by the Direction of the Parties appealing, in the usual Course of Proceeding: Provided always, that such last-mentioned Powers should not extend to any Appeals from the said Courts of Sudder Dewanny Adawlut other than Appeals in which no Proceedings then had been or should thereafter be taken in *England* on either Side for a Period of two Years subsequent to the Admission of the Appeal by such Court of Sudder Dewanny Adawlut: And whereas by certain orders in Council made under certain Powers contained in the said Act Provision is made for registering in the Council Office the arrival in this Country of the Transcripts of the Proceedings in Appeals from the said Courts: And whereas it is considered advisable that the said Act should be amended in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Provisions of the said Act shall not apply to the Case of any Appeal which shall be admitted by any of the said Courts of Sudder Dewanny Adawlut after the first day of January, One thousand eight hundred and forty-six.

Recited Provisions of 3 & 4. W. 4. c. 41, not to apply to Appeals admitted by Sudder Courts after 1st January, 1846.

II. And be it enacted, That any Appeal to be admitted by any of the said Courts of Sudder Dewanny Adawlut after the said First Day of *January*, One thousand eight hundred and forty-six shall be considered and be held to be abandoned and with-

Appeals admitted after 1st Jan. 1-46, to be considered as abandoned by Consent, unless, &c.

drawn by Consent of the Parties thereto, unless some Proceedings shall be taken in *England* in the same by One or more of the Parties thereto within Two Years after Registration at the Council Office of the arrival of the Transcript; and any such Appeal as aforesaid shall be held to be abandoned and withdrawn in like Manner under any other Circumstances which Her Majesty in Council may from Time to Time by any Orders or Rules in that Behalf direct to be taken and considered as a Withdrawal thereof; and the *East India* Company are hereby required from Time to Time to ascertain and certify to the proper Courts in the *East Indies* all Appeals which may from Time to Time become abandoned and dropped under the Provisions of this Clause.

GENERAL DEPARTMENT,

The 9th October, 1845.

The Hon'ble the Lieutenant Governor is pleased to direct the publication, for general information, of the following Scheme which has obtained the sanction of the Right Hon'ble the Governor General of India in Council.

Scheme for the employment of a Subordinate class of Civil Engineers in the North Western Provinces.

I. A class of Officers shall be appointed, to be denominated Sub-Assistant Executive Engineers.

II. The Salary of the appointment shall be 100 Rupees per mensem with travelling allowance when in the field, to the extent of 3-10ths of the Salary as fixed by the orders of Government, dated September 19th, 1843.

III. The rules for joining Stations and for leave of absence, prescribed for Sub-Assistant Surgeons, shall be held applicable to Sub-Assistant Executive Engineers.

IV. All Candidates for the appointments shall be required to prove by an examination that they possess the following qualifications.

Sufficient acquaintance with the English language to enable them to read, understand and explain works on Civil Engineering.

A knowledge of Geometry, Algebra, Plane and Spherical Trigonometry, Conic Sections and Mechanics.

Acquaintance with the use of the Sextant, Theodolite, Levelling Instrument, and other Instruments commonly used in surveying, with a practical knowledge of Land Surveying and Levelling.

Ability to draw Maps and Plans, including the construction of working Plans from Designs, Models, or actual existing works.

Acquaintance with the method of keeping accounts in the Department of Public Works, and with the mode of preparing estimates.

V. A Committee will be formed once, or oftener, every year, for the purpose of examining Candidates and giving them Certificates of qualification. If it be found inconvenient for this Committee to assemble together, they will decide on fit questions to be

answered in writing, and will hold the examination at such place or places, and in such manner, as may be found convenient.

VI. Candidates for these appointments are desired to submit their applications to the Secretary to the Government of the North Western Provinces, in the General Department, but no applications will be received which are not accompanied with the survey (including Map and Field-book) of a tract of country and with the Plan, Section and Estimate of a building, sufficient to shew the competency of the Candidate in these branches of Education. These must be accompanied with a Certificate from one of the Officers noted in the Margin,* that the specimens are to the best of his belief the actual performance of the Candidate, and that the Candidate has also studied and made progress in the several branches of Science noted above. The above mentioned Officers have been requested to grant such Certificates when they think them merited, and to forward the application under their Official cover.

* Superintending Engineer and executive Officers in the Central and Western Provinces.
Superintendent and Executive Officers of Canals.
Superintendent of Embankments and water courses in Rohilcund.
Principal of Dehlee College.
ditto of Agra College.
ditto of Benares College.
Superintendent of Bareilly school.

VII. The number of persons to be so appointed Sub-Assistant Executive Engineers is at present limited to four, but it is in contemplation considerably to increase the number, as well qualified Candidates present themselves.

A. SHAKESPEAR,
Asst. Secy. to the Govt., N. W. P.

SEPARATE REVENUE DEPARTMENT.

The 12th December, 1845.

The following Rule is published for general information under the provision of Section 3, Act XIV. 1843, in modification of the corresponding Clause in the Rules of February 10th 1844.

Rule XXIII. (amended) Cotton, being free from duty on exportation, shall, when exported, pass without impediment across the line, and shall not require to be covered by a Maafee Rowannah or by any other Certificate.

J. THORNTON,
Secy. to Govt., N. W. P.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1845.

No. 110.

To the Civil Judges in the North Western Provinces.

The Circular Order of this Court, No. 2074, dated 4th November, and published in the Government Gazette of the 6th December, 1842, declares, that "any officer, who permits the records of his office to fall into disorder, shall be held responsible to Government for the expences incurred in their re-adjustment," and further that "any functionary, receiving charge of an office, the records of which may be in disorder," "who shall fail to make a timely report of their state, will be similarly held answerable for the outlay attending their assortment and arrangement."

2. It is known, that in many Districts a considerable expenditure has been incurred in the methodical adjustment of the Judicial records, and it is believed, that in the majority of others the record department has been brought into a state of practical efficiency and order by the personal assiduity of the Judges, and the unassisted efforts of their Ministerial Establishment, acting under their supervising direction.

3. With the object of securing the maintenance of this efficiency in those offices, where it has been attained, as well as of ascertaining the existence of disorder or immethodical arrangement of the records in others, and enforcing with regard to them the responsibility, above declared to rest on those functionaries, who may have permitted such disorder to supervene, the Court are pleased to direct that the several Civil Judges will include in their Annual Reports on the administration of Civil Justice for the past and all subsequent years, a brief notice of the condition of the record department of their respective offices, after personal ascertainment thereof, mentioning any defects that may have been detected, the cause to which their existence may be ascribable, and the measures that may have been taken for their immediate correction.

4. In the first Report, submitted agreeably to this order, the Court will expect to find the system followed in the arrangement of the records described, and the outlay

incurred in its completion, as well as the period thereof, specified; in subsequent reports, a reference to these details, and a brief notice of any changes or improvements that may have been introduced within the period embraced in such reports, will sufficiently answer all the purposes contemplated by the Court in issuing these instructions.

Agra, the 23rd January, 1845.

(No. 189.)

To the several Civil Judges in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, North Western Provinces, in their Circular Order, No. 208, dated 24th June, 1842, have issued some instructions for the conduct of Civil suits regarding Proprietary Rights in Mehals, where, to use the terms of Section 10, Regulation VII. of 1822, two or more persons may possess a joint property consisting of interests of the same kind, viz. in Zemeendaree and Putteedaree Mehals—they now find it necessary similarly to issue instructions for the conduct of Civil suits, affecting Proprietary Rights in Mehals, where "several parties possess separate heritable and transferable properties, consisting of interests of different kinds," these being the tenures referred to in Clause I, Section 10, Regulation VII. of 1822, and commonly known as Talookadaree. Such Mehals may consist of one or more villages, but the term is generally applied to a number of villages, which are said to constitute a "Talooka," as the designation of "Talookadar" is commonly used to represent the person, who in times antecedent to our acquisition of these Territories was usually admitted to engage for the payment of the Government Revenue, and was allowed to exercise all the right inherent in the Government regarding the properties or interests of subordinate occupants: these subordinate occupants, having in the revision of settlement in these Provinces been adjudged by the Settlement Officers to possess a heritable and transferable property in the soil, consistently with the right of the Talookadar, have received the appellation of "Mokuddums" or "Mokuddum Biswahdars."

2. This species of tenure, the Court observe, is distinctly recognized by Clauses 1 and 2, Section 10, Regulation VII. of 1822, which, reserving to the administrative authority the privilege and power of determining and directing which of the two parties possessing interests of different kinds in such properties, shall be admitted to engage for the Government Revenue, enact, that due provision shall be made "for securing the rights of the remaining parties." To the administrative authority also is reserved the option of prescribing "the manner and proportion in which the net rent or profit, arising out of the limitation of the Government demand, shall be distributed among the different parties possessing an interest in the lands, appertaining to a Mehal," exhibiting the distinctive character ascribed to the Talookadaree tenure.

3. It is asserted by the Government in communication with the Court, that in the recent Settlement of the North Western Provinces, the existence of these tenures has been ascertained, and that in regard to them the provisions of Law above recited have been observed; that is, after determining which of the parties, possessing interests of different kinds therein, should be admitted to engage for the payment of the Government Revenue, and distributing the net rent or profit arising out of the limitation of

the Government demand, due provision has been made "for securing the rights of the remaining parties."

4. In the Settlement of each village, or other component part of a Talooka, the first and the main question for determination was, whether the tenure was of the nature described in Clause 1, Section 10, Regulation VII. of 1822, that is whether it was the exclusive property of the Talookadar, or whether other parties were also in possession of heritable and transferable properties therein, consisting of interests of a different kind from that of the Talookadar. The judicial decision of this question in the first instance rested with the Officers making or revising Settlements, and that decision is in the last resort liable to be contested in the Civil Courts, agreeably to Clause 6, Section 29, Regulation VII. of 1822.

V. Cl. I. Sec. 14, Reg. VII. of 1822.

5. When the question as above stated, *i. e.* whether the land or village claimed is the property exclusively of one party, or whether other parties are likewise possessed of separate heritable and transferable properties of a different kind, is brought before the Civil Courts for trial and adjudication, it should, the Court observe, be borne in mind, that the recognition of the one right is neither incompatible with the existence of the other, nor decisive of the point at issue before the Court;—for example, a suit may be instituted by a Talookadar for the sole right, property and possession in any component part of a Talooka, where the tenure above described has been judicially declared by the Settlement Officer to exist, and it may be satisfactorily proved, that the Claimant has been formerly "under engagements, and recorded in the accounts of past Settlements as Zemeendar or Talookadar or the like;" this, the Court observe, would be by no means conclusive against the existence of other subordinate properties, consisting of interests of a different kind from those owned by the Talookadar, and could not of itself be held to justify the entire exclusion of the parties possessing such properties, from proprietary occupancy of the soil, and the enjoyment of the rights thereupon contingent. —In such a case, it would be the duty of the Court to receive evidence from the adverse party, whatever denomination they may assume, to prove the co-existence of a separate heritable and transferable right, and to establish their possession of that right, before pronouncing judgment in favor of the claimant.

6. Without desiring, or attempting to define with any approach to precision, the character, and amount of evidence, which should be required in cases of this description, the Court observe, that the whole tenor of Regulation VII. of 1822, vests officers conducting Settlements with authority to correct the errors of former Settlements, that Clause 2, Section 5 of the same Regulation tends to shew, that to have been "recorded in the accounts of past Settlements as Zemeendar, Talookadar or the like," cannot of itself be held to decide the question as to the precise extent of the rights possessed by the party who may have been heretofore admitted to engage for the payment of the Government Revenue, and that, in determining the matters at issue, evidence may equitably be admitted to the existence of all such rights and usages as are held by the custom of the Country to be indicative of the possession of proprietary right.

7. The Court desire only to add, that the suit in Court is of course a suit *de novo*, and to be tried on its own merits, due advertence being had to the facts elicited by the investigation of the Settlement Officer, and to impress upon all the Judicial Authorities the importance of giving their best attention to the principles above set forth in the adjudication of all suits, affecting interests of the nature herein described.

Agra, the 31*st January*, 1845.

No. 280.

To the several Civil Judges in the North Western Provinces.

To remove doubts regarding the disposal of claims of creditors on the property of persons who die intestate, no heirs being forthcoming, the Court are pleased to declare, that no suit can be instituted, for the establishment of such claims, before the expiration of the twelve months, specified in Section 7, Regulation V. 1799, and Clause 7, Section 16, Regulation III. 1803; since, before that period, the service of the notice required by Section 2, Regulation II. 1806, is impracticable.

2d. Any claims on such property which may be preferred to the Judge, within the limited time, should, in the event of the property being carried to the credit of Government at its close, be reported to the Government for its orders. Should the claims be rejected, the claimants will be at liberty to bring a regular suit against the Government in the Courts of Justice.

Agra, the 14*th February*, 1845.

No. 433 OF 1845.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court are pleased, with the sanction of Government, to direct, that the rule in Section 2, Regulation XIX. of 1803, prohibiting public officers from lending money to persons within their Jurisdiction, be extended to all Uncovenanted Judicial Officers.

2. It will of course be understood, that the foregoing prohibition does not extend to the officers on the Ministerial Establishments of the several Civil and Criminal Courts, but to those functionaries only, who are legally empowered to exercise *Judicial* functions.

Agra, the 5*th March*, 1845.

No. 437.

To the Civil Judges in the North Western Provinces.

The Court of Sudder Dewanny Adawlut for the North Western Provinces, circulate the subjoined amendment of an error in the Persian version of Section 6, Regulation XXVIII. of 1803.

Agra, the 10*th March*, 1845.

(۴۳۷)

ممالک مذکورہ کے صاحبان سول جج کے نام

ان دنوں میں درمیان ترجمہ فارسي دفعہ ۶ قانون ۲۸ سنہ ۱۸۰۳ ع کے ایک خطا پائي گئي ہی اسواسطے موافق حکم صاحبان صدر دیواني عدالت کے ترجمہ صحیح اسکا ذیل میں لکھا جاتا ہی کہ ہر خاص و عام کے کام آوے ۔

مدمقام آگرہ
مورخہ دہم مارچ سنہ ۱۸۴۵ ع

جي ایف ایڈمنسٹن
رجسٹر

قانون بست و هشتم سنه ۱۸۰۳ ع

دفعه ششم

درصورتیکه احدي ازجمله کسانیکه اختیار قرق دارند اجناس اجاره‌داران وکنکنه داران ورعایا وتعلقه‌داران توابع خود قرق سازد و عندالتجویز متحقق شود که في الحقیقت چیزي باقي بذمه آنهاست درینصورت اجناس مزبور ازقرق کننده بمالک واپس دهانیده خواهد شد درصورتیکه فروش گردد یا تلف شود یا نقصان دران رسد یا موجود نباشد بقدرمالیت اجناس ازقرق کننده نشان دهانیده خواهد شد و نیز درهر حال سواے آن مبلغ بقدرمالیت آن اجناس بطریق تاوان معه خرچه عدالت دهانیده خواهد شد *

No. 500 OF 1845.

To the Civil Judges and Registers of Deeds in the North Western Provinces.

The Court publish the following Extract (paragraphs 2 and 3) of a letter from the Judge of Azimgurh, regarding the registration of Deeds during the year 1844, in the expectation, that enquiry will establish the existence of similar abuses in other offices, and that the precautions taken by Mr. Neave, if generally adopted, will be sufficient to ensure their correction. Mr. Neave very justly observes, that the practice of delegating the duties, connected with the Registry of Deeds, to an Officer liable to interruption by other calls upon his attention, is not only illiberal in reference to the considerable sum received by the Register for his services, but destructive at the same time of the efficiency of the Registry Office, and the Court expect that, wherever the same practice may be found to obtain, the Civil Judges will forthwith enforce its relinquishment.

Agra, the 12*th March,* 1845.

Extract (paragraphs 2 *and* 3*) of a letter from the Judge of Azimgurh, No.* 6*, dated* 23*rd January,* 1845.

PARA. 2. As I sign the Register Books every week, I see that they are properly kept up, as prescribed. The indexes are also properly prepared as required in Section 9, Regulation XX. 1842, and Circular Order No. 1288 of July 26th, 1844. On enquiring minutely into the Registry affairs, I found complaints existing that people were unnecessarily detained at the Office; and I discovered that the Principal Sudder Ameen caused the duties of Mohurrir to the Registry of Deeds to be performed by the Roznamcha Nuvees of his Court, a practice not only illiberal in reference to the large sum received by the Register for his services, but highly to be deprecated as respects the efficiency of his Office, and in every respect detrimental to the adequate performance of the Mohurrir's duties as Officer of the Civil Court.

PAR. 3. I have therefore directed that the Principal Sudder Ameen shall not employ the Omlah of his Court in the performance of his duty, but that he shall appoint for this service a Mohurrir or Mohurrirs as the case may require; and that too on an adequate salary, that a deficiency of proper remuneration may not lead to that system of

extortion, to which an ill-managed Registry Office is capable of being made subservient. I have also directed that all papers presented for Registry before two o'clock in the day be Registered on that day; and that the Principal Sudder Ameen be pleased to report from time to time that this rule is complied with, and I have caused an Ishtahar to this effect to be suspended in the Court of Principal Sudder Ameen as well as my own, and giving notice that both he and the Judge will be ready to hear any verbal complaints of delay.

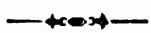
No. 501 of 1845.

To the Civil Authorities in the North Western Provinces.

As misconception appears to prevail in regard to the period allowed by Law for the institution of Special Appeals, and the obligation, resting on such Appellants, of submitting together with their Petitions copies of the several Decrees passed on the case by both the inferior Courts, the Court deem it right to declare that, agreeably to the unqualified terms of Section 2, Act III. of 1843, no application for Special Appeal can be legally admitted unless it be presented "within the period limited for the presentation of regular Appeals," and that the required copies of the previous decision must be exhibited within the same period. A strict interpretation of the Law, which enacts that "every application for Special Appeal shall be *accompanied* by copies of the several decrees previously passed on the case," might perhaps justify the conclusion, that, unless the Petition praying for Special Appeal be so "accompanied," that is, unless the petition and the copies of Decrees previously passed be simultaneously submitted, it cannot be recognized as a *legal* application for Special Appeal, but without intending to rule this point, the Court intimate, that the documents in question must be invariably exhibited within the period allowed for the presentation of regular Appeals, and that failure to observe this injunction will necessarily involve a rejection of the petition, praying for Special Appeal, even though the latter may have been filed within the limitation above mentioned.

2. The Civil Judges are requested to take every proper means for giving the widest publicity to this construction of a law, the provisions of which are imperative, and confer upon the Sudder Dewanny Adawlut no authority to admit Special Appeals, not legally instituted within the period allowed by Law for the presentation of regular Appeals.

Agra, the 13th March, 1845.



No. 514 of 1845.

To the Civil Judges in the North Western Provinces.

Recent enquiries, having for their object the ascertainment of the practical operation of the Rules prescribed by Circular Order Sudder Dewanny Adawlut No. 208, dated 24th June, 1842, lead the Court to conclude, that the purpose and signification of the 13th paragraph thereof have been misapprehended, and that without some explanation and modification of its terms, the Rules in question will continue to be, as they have hitherto been, greatly restricted in their application and useful effect.

2nd. This misconception would seem to have arisen rather from defect of attention and consideration, than from any indistinctness of the phraseology employed, which distinctly declares, that the rules shall be in force, "*generally* in respect of their other provisions, but, as far as they relate to the settlement record, and to the fulfilment of any requirement for which a reference to that record is needed, only in those districts, or portions of districts in which the settlements have been revised under Regulation IX. of 1833, on the Collector's annually certifying" that the said records, prepared in conformity to the instructions of the Sudder Board of Revenue, have been examined and found correct.—It is evident from the foregoing extract, that the restriction was intended to be limited to those parts of the rules, which relate to the *settlement record*, and not to extend to the whole of those rules, the provisions of several of which have no reference to settlement records, and may be acted on equally where those records are defective and erroneous, as elsewhere.

3rd. It is further to be observed, that some of the rules under notice simply reiterate the requirements of existing Law, enjoin their observance, and the adjudgment of the penalties attaching under that law to their infringement, and that these particular requirements might, and should, be enforced by the Civil Courts, had the Circular Order to which they are appended, never seen the light.

4th. The Court having reconsidered the paragraph above cited, are disposed to think that the restriction, which it prescribes, even in the limited application given to it in the foregoing lines, is not only inexpedient, but actively injurious; it can hardly be expected, that a certificate, embracing records of such comprehensiveness and minute detail as the settlement papers, should be punctually rendered, and it seems puerile, for the mere want of such a certificate, [the very comprehensiveness of which should ordinarily throw doubts on its integrity], to reject those portions of the record, the accuracy of which may be either admitted or proved, and with them the information regarding the precise subject of litigation, which they are calculated to afford: though informalities and errors, preventing the revenue authorities from giving a certificate, as now required, may exist, still these defects need not and should not be held to vitiate the entire record, and deprive it of all title to authenticity and usefulness.

5th. Under these circumstances, the Court are pleased with the sanction of Government, to declare paragraph 13 of Circular Order Sudder Dewanny Adawlut No. 208, dated 24th June, 1842, hereby rescinded, and to direct, that the rules thereunto appended, shall be, as far as practicable, brought into full operation in all those districts, the settlements of which have been revised, and records prepared, in accordance with the provisions of Regulation IX. of 1833, and the corresponding instructions of the Sudder Board of Revenue, without exaction of the certificate heretofore required.

6th. The Court take this opportunity of explaining, that the extract, required by Rule 4 to be appended to the Petition of plaint, should be taken not *from the field map*, as therein stated, but from the khusreh, [or from the assamewar khuteonee whenever that may be the more correct and authoritative document] in which not only the No. of each field corresponding with the number which represents it in the field map, but its area, and name of its proprietor and occupant, are entered.

7th. It may not be irrelevant in conclusion to observe, that the settlement records are not to be taken as the ground of decision of suits respecting land, but rather as the

basis of information regarding the precise subject of litigation, as an useful and valuable aid, rather than as a rule of guidance to the Civil Courts; let the information, which these records afford, be received and carefully collated with the other evidence, which will always be adduced, let that which is manifestly erroneous be rejected, and that the truth of which is clear and undeniable, be availed of, and none other than results satisfactory to litigant parties and creditable to the civil administration can ensue. It is as useless to expect absolute infallibility in the records of settlement, as it is evidence of a narrow-minded prejudice to reject that which is really correct and valuable, because some errors or informalities are discernible.

Agra, the 15*th March,* 1845.

No. 634.

To the Civil Authorities in the North Western Provinces.

The Court, in reviewing the Quarterly Reports of long standing cases, submitted agreeably to Circular Order, No. 144, dated 24th March 1841, have not infrequently found reason to animadvert on the dilatory and irregular proceedings of the Ameens, employed in giving effect to the orders of the several Authorities, and they are disposed to think, that the submission of a Periodical Statement, exhibiting the orders addressed to those Officers, and the progress made in their execution, may afford to the Civil Judges sufficient facilities for the prevention of carelessness, and the correction of any errors, originating in ignorance or inexperience.

2nd. The annexed form of Monthly Report has been in use for some time past in the Ghazeepore District, and, having been found practically efficacious, may perhaps be introduced with advantage in all the Districts of the North Western Provinces; its several headings are so simple that no particular instructions for its preparation are considered requisite, save that the Report submitted by each Ameen shall comprise all the orders received by him within the month, and shall exhibit in the 8th Column the causes which may have operated to prevent the fulfilment of such as remain incomplete at its close.

3rd. It will be the duty of the Ameens to submit this Report on the 5th of the month, following that to which it relates, to the several Judicial Officers from whom the orders emanated, and it will behove the latter, after carefully revising the Report, and recording in the Column assigned to that purpose such remarks in regard to the Ameen's proceedings, and the reasons given by him for non-execution of the injunctions, as they may consider necessary, to forward the same for the final examination and orders of the Zillah Judge.

4th. It seems to the Court, that this method will at once shew, whether unnecessary delay has been permitted in the execution of any orders, and if so to whom that delay is ascribable, but it is obvious, that the efficacy of the check described will depend entirely on the degree of punctuality observed by the Ameens in the submission of their Monthly Reports, and the attention bestowed by the Judicial Officers on their examination and revision.

5th. It is not intended that this Report should be forwarded to the Court, who will be generally able, by reference to the state of miscellaneous business in each District, to judge whether the check in question is strictly and carefully maintained.

6th. The Civil Judges are required to give effect to these instructions from and after the 1st Proximo.

Agra, the 7th April, 1845.

1	2	3	4	5	6	7	8	9
Designation of the Officer who issued the order.	No. of the case.	Names of the parties.	Extract of the orders together with the date.	Period allowed for the performance of the requisition, with date of receipt by the Ameen.	Date of the execution of the order.	Amount of Fees allowed.	Remarks of the Ameen with date of despatch of statement.	Observation of the Officer who issued the order on the performance of the duty with date of receipt.

No. 652.

To the Civil Judges in the N. W. Provinces.

With a view to facility of reference, the Court direct that the decisions recorded by Judges of all grades in their own hand, in conformity to Act XII. 1843, be copied into a book, consecutively, by a Writer or Mohurrir, and signed by the deciding Officer in attestation of the correctness of the transcript. An abstract index, in the subjoined form, will be attached to the book.

Number of the Case and year.	Names of the Parties.	Substance of the Plaint.	Orders in Case and date.	Deciding Judge.	Remarks.

2nd. The entries in this book will commence with the decisions of January last. The decision books of the Subordinate Courts will be forwarded annually to the Judge's Office for deposit.

Agra, the 11*th April,* 1845.

No. 729.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut for the North Western Provinces are pleased to publish, for the information and guidance of the Zillah and City Judges and their Judicial Subordinates an Extract [paragraph 53] of a Despatch, from the Honorable the Court of Directors No. 2 of 1842 dated 23d February, and to communicate the following instructions on the subject to which it relates.

2nd. The rule, prescribed in the Despatch cited, has not been hitherto enforced in the Judicial Department, and it might perhaps be deemed a measure of unnecessary severity to give to it generally retrospective effect, without enquiring as to the circumstances, character and conduct of the parties, who might be affected thereby. With regard, therefore, to present incumbents in Judicial Offices, who are already in possession of landed property, whether patrimonial, purchased, or otherwise acquired, it is not the desire or intention of the Court to exercise any interference, except where the extent of the property may be so considerable, as to give to the possessor a preponderating local influence, and induce him, for the protection of his own best interests, to engage in undertakings and become a party to speculations and transactions which may divert his attention from his official duties, and at the same time incapacitate him for their impartial and unbiassed fulfilment. In such cases, where the inconvenience and injury may be patent to common observation, it will be the duty of the Civil Judges to report the circumstance for the information of the Court and for eventual submission for the orders of Government, in regard to those functionaries, who are not subject to removal from Office without the sanction of Government.

3rd. Further, as regards present incumbents, the Court are pleased with the sanction of Government to direct, that the spirit of the rule prescribed by the Honorable the Court of Directors shall be observed, and that the future acquisition, by those parties, of landed property by purchase or other means, such as farm, gift, or mortgage, and speculations of every description therein, within the limits of the *District*, to which such parties, whether Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, may belong, shall be considered interdicted; it will be incumbent on the Civil Judges to bring to the immediate notice of the Court any contravention of this restrictive rule, which may come to their knowledge.

4th. In future, as a general rule, individuals possessing landed property, whether patrimonial, purchased, or other, or being engaged in speculations therein, will be considered ineligible for appointment to Judicial Office within the limits of the District in which the said property may be situated, but the Civil Judges need not be thereby deterred from nominating such persons, whenever the extent of land may be so small, as in their estimation to render the circumstance no objection to their employment in the District to which it appertains, a discretionary power to this extent having been reserved to the Sudder Dewanny Adawlut in such cases.

5th. It will not be difficult to check any contravention of the Rules hereinbefore prescribed, by enforcing obedience to the instructions contained in the Circular Orders, enumerated in the margin.

* C. O. S. D. A. No 135, dated 17th February, 1835.
C. O. S. D. A. No. 144, dated 10th April, 1835.
C. O. S. D A. No. 148, dated 29th May, 1835.

Agra, the 29th April, 1845.

No. 791.

To the Civil Authorities in the North Western Provinces.

With reference to an instance, recently brought to the Court's notice, of the prevalence of an illegal practice, in allowing the Darogah of the Civil Jail to receive the subsistence allowance, payable to persons confined to execution of Decrees, or other Civil process, it is thought advisable to call the attention of the Civil Authorities to the provisions of Section 3, Regulation VI. of 1830, which expressly directs that the allowance in question shall be deposited with the *Nazir* of the Court, and to enjoin a strict observance of this rule in future.

Agra, the 29th April, 1845.

No. 832 OF 1845.

To the Civil Judges in the North Western Provinces.

By Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September, 1839, Para. 13, the Principal Sudder Ameens are permitted to retain in their own custody the records of Suits, exceeding Rupees 5000 in value, for a period of 6 months from the date of their decision, an Appeal in such cases lying direct to the Sudder Dewanny Adawlut under the provisions of Section 4, Act XXV. of 1837. The considerations in which this order originated, equally indicate the expediency of a similar course being pursued in regard to the records of Appeals, adjudicated by the Principal Sudder Ameens agreeably to Section 16, Regulation V. of 1831, since by Act III. of 1843, authority to hear and determine Special Appeals from their Judgments, passed in those cases, is restricted to the Sudder Dewanny Adawlut, and the Court are pleased accordingly to direct, that henceforward the papers, connected with cases of the latter description, shall be retained in the Office of the Principal Sudder Ameens for 6 months, in case either of the parties should desire to present an application for the admission of a Special Appeal from their decisions.

Agra, the 15th May, 1845.

No. 883.

To the Civil Judges in the North Western Provinces.

Several instances of Moonsiffs, having left their stations without leave, having been brought to the notice of the Court of Sudder Dewanny Adawlut, and applications for

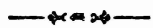
leave being frequently submitted so late as to preclude the possibility of the Court's Orders thereon being received before the day on which the solicited leave is to commence, the Court are pleased to direct that except in cases of sudden and severe illness, Moonsiffs shall not be permitted to quit their stations without leave. Should sudden and severe illness render a Moonsiff's remaining at his post dangerous, he may be permitted to leave it reporting the same to the Judge; but, in such cases, he must furnish, at the earliest opportunity, a Medical Certificate, which shall certify whether the emergency was such as to make the departure of the Moonsiff without waiting for permission, necessary to the restoration of his health. The Judge will submit all such Certificates for the orders of the Sudder Dewanny Adawlut, and state the period for which he would recommend leave of absence being granted to the sick incumbent, and, also, what arrangement he proposes for the discharge of the duties of the Moonsiff's Office pending his absence.

The Court of Sudder Dewanny Adawlut further direct, that except in cases of sudden emergency rendering an earlier application impracticable, Judges will refuse to transmit to the Court, applications for leave of absence which may not be received by them in full time to admit of the Court's orders thereon being received, and communicated to the Moonsiff on or before the date on which it is proposed the leave shall commence. In the event of the sudden emergency alluded to arising, Judges may use their discretion in granting the leave applied for, reporting the same to the Sudder Dewanny Adawlut.

Moonsiffs who shall leave their stations without permission, except as herein permitted, will render themselves liable to immediate dismissal.

This Circular is not to be understood as interfering with the rules in force regarding the leave of absence to Moonsiffs and others, during the Mohurrum and Dusserah vacations.

Agra, the 26th May, 1845.



No. 983.

To the Civil Judges in the North Western Provinces.

Doubts being found to exist in regard to the interpretation of Section 6, Regulation XV. of 1806, notwithstanding the exposition of that enactment, contained in construction No. 983, dated 16th October, 1835, it is thought advisable to promulgate, for the information and future guidance of the Civil Judges in the North Western Provinces, the issue of a correspondence, which has recently passed on the subject with the Sudder Dewanny Adawlut in Calcutta.

2. It has been concurrently ruled by both Courts, that if a will be in existence and be found among the effects of a deceased British subject *before* the Judge have formally, by the imposition of the seal of his Court, received charge of the said effects, his interference is clearly barred by the terms of the enactment cited, whether Trustee or executor, appointed in such will, be present on the spot or not, and that, if *after* the Judge have taken charge of the Estate, a will should be discovered and produced, it would still be obligatory on him to retain charge, until probate of the said will might

be obtained from the Supreme Court, whether Trustee or executor, appointed by the deceased, or other party, willing to receive and be responsible for the property were present at the time and place of the Testator's decease or not.

Agra, the 3rd June, 1845.

No. 1003.

To the Civil Judges in the North Western Provinces.

The rule in Clause 3, Section 2, Regulation VII. 1832, for calculating the period within which appeals are preferable, from the decisions of Sudder Ameens and Moonsiffs, not being applicable to the decrees of Moonsiffs which are not required to be written on stampt paper, the Courts of Sudder Dewanny Adawlut, for the Lower and Western Provinces, have ruled that the period of thirty days, allowed for appealing from Moonsiffs' decrees shall be reckoned from the date of delivery or tender of decree to the parties.

Agra, the 11th June, 1845.

No. 1131.

To the Civil Authorities in the North Western Provinces.

It being believed, that much diversity of opinion exists in regard to the construction of that part of Section 5, Regulation III. of 1803, which enacts that "when the defendant shall have delivered in his answer to the complaint, the plaintiff shall reply to it on the *next Court day*," the Court are pleased to intimate, for general information, that the terms above recited have been held by the majority of the two Courts of Sudder Dewanny Adawlut to leave it discretionary with the Judicial Authorities to admit a replication, even though it be not presented "on the next Court day," or in other words that, while the Law directs the delivery of the replication *on* the next Court day it does not absolutely *inhibit its* reception *thereafter*, provided that it be filed within the period of six weeks, in default of which the suit will of course be liable to dismissal under the imperative provisions of Act XXIX. of 1841.

Agra, the 2nd July, 1846.

No. 1210.

To the Civil Judges in the North Western Provinces.

The Court. having from time to time received various applications for permission to destroy the old and useless records of the Zillah and City Courts, are pleased, under the sanction of Government, to declare Circular Order Sudder Dewanny Adawlut, Lower Provinces, No. 112, dated 1st August, 1834, applicable to the North Western Provinces, and to extend its operation to the end of 1832, merely observing, that the Civil Judges are at liberty to exercise their discretion in preserving any particular records or papers, included in the List appended thereto, which may be thought to

possess a permanently useful or interesting character. In like manner, Circular Order Sudder Dewanny Adawlut, No. 81, dated 1st February, 1833, is hereby declared applicable to all records of the Moonsiffs' Courts, which may have accumulated between the year 1820 and the end of 1832, an exception being made in favor of all such records as relate to suits for real or landed property, and to appeals from the decisions passed by the Moonsiffs in suits of that nature.

2. In preference to burning these records, the Court direct, that, after removal of the Seals and signatures of public Officers, they be torn up in such manner and under such precautions, as may prevent the possibility of their being applied to improper or unlawful purposes, and sold for the benefit of Government to paper manufacturers or others who may be found willing to purchase them: the removal of seals and signatures should be carried into effect under the careful supervision of some trustworthy person, who must be held responsible for its due fulfilment.

3. It will be understood, that the precautions, prescribed by paragraph 2, of Circular Order, No. 81, dated 1st February, 1833, are to be invariably observed on all occasions of the nature of that, to which these instructions have reference.

Agra, the 14th July, 1845.

No. 1213.

To the Civil Judges in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, North Western Provinces, having been vested by Government with the discretionary power of authorizing Civil Judges to make inspectional tours within the limits of their respective Districts, whenever such may appear advisable, are pleased to give public intimation of the same, and to direct, that whenever a Civil Judge may consider it expedient to visit each, or any, of the Mofussil Courts, subordinate to him, he will submit a report, explaining the considerations or circumstances, that may have suggested it, the object which it is proposed to effect, and the probable duration of his contemplated absence. On receiving such an application, the Court will be generally prepared to accede to the same, with the understanding that, on the completion of such inspectional tour, the Judge shall report fully on all matters, connected with the character, conduct and qualifications of the Moonsiffs, with their mode of conducting business, and with the condition of their Offices, so far as opportunity of forming a judgment on these points shall be afforded to him.

2. In forwarding applications of the nature adverted to, the Civil Judges will be expected to annex a statement of the business, both regular and miscellaneous, pending in their Courts, and a memorandum, shewing the number of commitments, and Criminal Appeals, awaiting decision at the date of such application.

3. If will probably occur to all the Judges, that the periods of the Dusserah and Mohurrum Vacations, during which the Civil Courts are adjourned agreeably to Law, will, in admitting of their accomplishment without prejudice to the Judicial operations of the Zillah Court, afford the most favorable and convenient opportunities for the inspectional tours, contemplated by this order, and that, if it be needful, the Moonsiffs, whose jurisdictions are to be comprised in such tours, may be detained at their respective

posts, the leave of absence usually granted for those vacations being on such occasions withheld.

Agra, the 14th July, 1845.

No. 1247.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court desire that, whenever applications may be made to the Civil or Criminal Authorities for copies of any letters from, or orders passed by them, they will refer the applicants to the Court, instead of granting the copies asked for.

2. This rule is not to be considered to apply to the sentences of the Nizamut Adawlut, in Criminal Trials.

Agra, the 22nd July, 1845.

No. 1248.

To the Civil Judges in the North Western Provinces.

The Court direct, with reference to an opinion expressed by the Acting Advocate General in a particular case, that in every process which may be issued under Act XXIII. 1840, against either property or person, the names of the parties for and against whom respectively the process may be issued, be inserted, and not merely the names of the firms or companies under which the respective parties may be associated for trade or business, except when any Company may be empowered by a special law to sue or be sued in the name of an Officer of their society or association.

Agra, the 22nd July, 1845.

No. 1423.

To the Civil Judges in the North Western Provinces.

The Court request, that an error, detected in the 2nd Paragraph of their Circular Order, No. 33, dated 13th September, 1843, may be corrected by the insertion, after the word "accordingly," occurring in the 6th line of the Printed Edition, of the terms "or to dismiss the suit, as the case may be."

Agra, the 27th August, 1845.

No. 1482.

To the Civil Judges in the North Western Provinces.

The Court declare for general information, that paragraph 6, of the Circular Order, No. 29, of the 11th January, 1839, which requires that in actions for real property the mesne profits, unless relinquished, shall be included in the amount at which the suit is

laid, supersedes the Circular Order, No. 44, of the 29th September, 1820, which made the determination of the value of a suit dependent altogether on the Sudder Jumma.

Agra, the 5th September, 1845.

No. 1483.

To the Civil Judicial Authorities in the North Western Provinces.

Section 1, Act XXIX. of 1841, enacts that a "suit or appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court or of the defendant or otherwise, or assignment of any reason unless the plaintiff or appellant or his *representative in case of his death*, upon special application, shall have *previously* satisfied the Court of the propriety of allowing further time."

2. The Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, having had occasion to deliberate as to the force of these expressions, the majority are of opinion, that while they are unambiguous in requiring the representative of a deceased Plaintiff or Appellant, previous to the expiry of the six weeks in which a certain prescribed act is to be performed, to move the Court for an extension of that limited period, and while they admit of no interpretation, by which an intermediate act on the part of the Court, notifying to the Heirs the fact of the decease of the Plaintiff or Appellant, can by implication be held to be *required*, they are not actually *prohibitory* of the Court doing, of its own mere motion, *previous* to the expiry of the six weeks aforesaid, such act of procedure as the general powers of the Court enable it to do.

3. The majority of the two Courts further observe, that, in so far as "dismissal on default" is enacted as a penalty on the defaulter, it is not just, that that penalty should be inflicted in cases where there exists a moral and physical impossibility of avoiding it, viz. when the date of the Plaintiff's or Appellant's decease is so near the date when default would occur, and the Heir or representative at the same time so distant from the place where the decease took place, as to render it an impossibility, that he should fulfil the Law's requirements. The right of appeal would thus in numerous instances be lost altogether, and manifest injustice be done by the Law; but it is a maxim that Law never enacts an impossibility; and the Court, therefore, conceive it imperative upon them, in pursuance of their legal privilege, to act according to justice, equity and good conscience to prevent the injustice that would be involved in the infliction of a penalty for failure to perform an impossible act, by the institution of a rule of procedure, fitted at least to remove the impossibility of the Heir of a deceased party being in Court, if he be desirous to prosecute the suit.

4. The Court are pleased, therefore, to prescribe the following rule of practice for the guidance of all the Judicial Authorities, and to intimate for general information, that it will be followed in the Sudder Dewanny Adawlut from and after the 1st November next.

1*stly*. Whenever it may be certified to a Zillah or City Judge, Principal Sudder Ameen, Sudder Ameen, or Moonsiff, that a Plaintiff or Appellant in any original suit or appeal, pending in the Court of such Zillah or City Judge, or Principal Sudder Ameen, Sudder Ameen, or Moonsiff, has deceased, the presiding Officer of such Court shall be at liberty, if he deem it just and proper, to notify the fact in a publication to be affixed

in his own Cutcherry, and in the Cutcherries of all the Judicial Authorities and the Collector of the district. The publication shall contain a statement of the several depending cases, in which such Plaintiff or Appellant was a party, and an intimation to his Heirs or representatives, that, unless they attend either in person or by Vakeel for the prosecution of the depending suit or appeal before a certain day, to be fixed and named in the publication, not being more than six weeks from its date, such suit or appeal will be dismissed on default under the provisions of Section 1, Act XXIX. of 1841.

2ndly. The above rule of practice shall be considered equally applicable to appeals, pending in the Court of Sudder Dewanny Adawlut, with the exception, that the publication therein prescribed shall in such case be affixed in the Cutcherry of the Sudder Court, and in the Cutcherries of the several Judicial Authorities included in the district, or districts from which the depending appeals may have been received, and that the Zillah and City Judges shall, on receipt of a precept to that effect, cause the said publication to be duly affixed in the places appointed, and certify with all practicable expedition the due fulfilment of such order for the satisfaction of the Court.

5thly. A form of publication is annexed for general use, and the Civil Judges are informed, that Lithographed forms of the same may be indented for on the Secundra Orphan Press.

Agra, the 5th September, 1845.

نمونه اشتهار بغرض اعلان خبر فوت بعضے ازمتخاصمین مقدمه

حکم اشتهار عدالت دیواني فلاں آنکه

واسطے حاضري قایم‌مقام شخص متوفی کے جسکا نام فهرست مصرحه ذیل میں مندرج هی خبر فوت شخص مذکور اور ضرورت حاضري قایم‌مقام اُسکي سے شهرت دیجاتي هی جو کوئي که ادعاے وراثت اور قایم‌مقامي اور استحقاق پیروي مقدمه کا بجاے متوفی مذکور کے رکهتا هو اُسکو چاهیئے که قبل تاریخ معینه کے عدالت مذکوره بالا میں اصالتا یا بذریعه وکیل یا مختار حسب ضابطه کے حاضر هوے لوازم پیروي مقدمه عمل میں لاوے درصورتیکه مابین میعاد مذکوره حاضر نهوگا یا بحالت حاضري مابین اُس مهلت کے جو از تاریخ حاضري حسب قانون اُسکو حاصل هو امور واجب‌التعمیل کو سرانجام نه کریگا تو جو حکم که اصدار اُسکا بحالت عدم پیروي مقدمه از جانب متوفی مذکور ازروے قانون اور ضابطهٔ عدالت کے مناسب هوتا صادر هوگا اور بعد اُسکے کوئي عذر دعویدار قایم‌مقامي متوفی مذکور کا مسموع نه کیا جائیگا *

نمبر مقدمه	نام متخاصمین	بیان شی دعوي	اسماے اشخاص متوفی بقید لفظ مدعي یا اپیلانٹ	تاریخ معینه جسکا ذکر متن اشتهار میں مندرج هی دوسري فبروري سنه ۱۸۴۵ ع مطابق فلاں روز فلاں
نمبر	زید وعمرو وغیره اپیلانٹان بنام احمد و محمود وغیره رسپانڈنٹان	بابت زر نقد ازروے تمسک	زید اپیلانٹ	

تاریخ اجراے اشتهار واقع یکم جنوري سنه ۱۸۴۵ ع مطابق فلاں

No. 1701.

To the Civil Judges in the North Western Provinces.

The Court are pleased to direct that, if the practice of appointing to the office of Ameen under the Circular Order, No. 197, of 13th January, 1837, persons who hold the situation of Ameens, under Act I. 1839, obtains in your district, it be discontinued, as they consider the junction of the two offices to be calculated to retard execution of the orders of the Civil Courts.

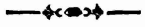
Agra, the 22nd October, 1845.

No. 1842.

To the several Civil and Criminal Authorities in the North Western Provinces.

The Court direct, that the instructions, contained in the 1st paragraph of their Circular Order, No. 1247, dated 22nd July, and published in *Government Gazette* of 5th August last, be, and be considered, applicable only to Copies of Letters, Resolutions, and other Orders, recorded in the English language.

Agra, the 17th November, 1845.



No. 1855.

To the several Judges in the North Western Provinces.

The following rules regarding the remuneration of Moonsiffs' Nazirs, and the amount of security to be demanded from them, are established for general observance.

2. The sole remuneration of Nazirs of the Moonsiffs' Courts will consist in a fourth of the amount of tullubana leviable under the provisions of Clause 8, Section 14, Regulation XXVI. 1814, extended to those Courts by Act XIV. 1845.

3. The amount of security to be demanded from those Officers is fixed at Rupees 1000, but this sum will be liable to enhancement or reduction, according as enquiry and experience may shew to be expedient.

4. The Judges are requested to ascertain, and report to the Court, the amount actually received by the Moonsiffs' Nazirs of their Districts, whether for tullubana or on any other account, during the first six months of the ensuing year.

Agra, the 17th November, 1845.

No. 1879.

To the Civil Judges in the North Western Provinces.

With reference to orders, recently received from Government, authorizing the provision of Cutcherry accommodation for the Moonsiffs in the North Western Provinces at the public cost, the Court desire, that the Judges of the several districts, in which the subordinate civil jurisdictions have been revised agreeably to the instructions con-

tained in the Resolution of Government, dated 30th October, 1837, and Circular Order, Sudder Dewanny Adawlut, No. 853, dated 14th May, 1844, will inform the Moonsiffs, that the Government are prepared to purchase the present Cutcherries, as they stand, at a price not exceeding Rupees 75 each, provided the Judges are satisfied, after due enquiry, that the buildings are worth that sum or any lesser amount, which the proprietors may report to have been expended in their construction.

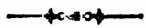
2. The Court are pleased further, with the sanction of Government, to intimate, that the Civil Judges, as above particularized, are authorized to pass in their Contingent Bills charges, not exceeding one-fourth of the said sum (Rupees 75), for the annual repairs of each Moonsiff's Cutcherry, and not exceeding one half, where the repairs may be required after an interval of 2 years and so on. In the event of the total destruction of a Moonsiff's Cutcherry by fire or other accident, the case must be reported to the Court for the eventual information and the orders of Government.

3. The Civil Judges will be pleased to observe that these orders are not applicable to Moonsiffs, who hold their Courts in public buildings, or in their own private dwellings: those in the latter predicament, (believed to be few in number in these Provinces) should be either provided with Office accommodation at the cost above sanctioned, or allowed to draw on the District Treasuries for any sum not exceeding Rupees 75, for the purpose of erecting new Cutcherries apart from their dwelling houses.

4. Every Moonsiff, on taking charge of his Office, should be required to report to the Judge the state in which his predecessor may have made over the Cutcherry to him: this report should be countersigned by the latter whenever this may be practicable, in token of his admission of its correctness.

5. It is only necessary to add, that this Circular Order, though now applicable only to those districts, of which the subordinate civil jurisdictions have undergone revision, is to be considered to extend to each Zillah, so soon as such revision shall have been completed, conformably with the Resolution of Government, dated 30th October, 1837, and shall have received the confirmation of the Court and Government.

Agra, the 20th November, 1845.



No. 2002.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut for the North Western Provinces, having reconsidered the terms of Sections 2 and 3, Regulation VI. of 1813, are pleased to rescind paragraph 2, of Construction No. 1153, and such part of paragraph 1, likewise, as rules either directly or by implication that when the agreement to abide by the award of aribitrators may be disputed, the summary jurisdiction of the Civil Court is barred, and to notify that only so much of the Construction in question now remains in force, as declares the execution of written bonds of arbitration supererogatory under the provisions of Section 3, Regulation VI. of 1813.

Agra, the 14th November, 1845.

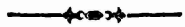
CIRCULAR ORDERS

OF THE

SUDDER NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1845.



No. 1906.

To the several Criminal Authorities in the N. W. P.

The following rule, in modification of the 1st rule of the Circular Order, No. 82, dated 18th June, 1841, on the subject of Act XXIII. 1840, is published for general information.

Every criminal process will be directed to the Justices of the Peace, for the Town of Calcutta, but forwarded in an envelope to the Hon'ble Company's Attorney either by dawk or by the hands of a peon or other public officer, as may be most convenient, with a letter drawn up agreeably to the annexed Form A. The Honorable Company's Attorney will prepare it for endorsement by a Judge of the Supreme Court, and after endorsement, transmit it (accompanied with the letter above-mentioned) to the Police Office for execution.

2. The words "the Deputy Sheriff" occurring in the 3rd and 6th of the rules of the above-mentioned Circular Order are to be altered to "the Honorable Company's Attorney."

Agra, the 29th November, 1844.

A.

To the Honorable Company's Attorney, Calcutta.

I beg leave to enclose (a notice* to be served on the parties therein named) which I request you will have the goodness to present to the Judges of Her Majesty's Court agreeably to Act XXIII. 1840.

* Or (a proclamation to be affixed to the outer door of the house in which the parties reside).
Or (a subpœna to be served on the Witnesses therein named).
Or (a Warrant to seize and apprehend the witnesses therein named,) and so forth, mutatis mutandis.

2. On intimation being made to me of the expenses of serving this process, the amount will be forwarded to the Justices by a Bill on the General Treasury. A person will attend hereafter (or a person accompanies this letter) to point out the parties.

I have, &c.,
(Signed) ———
Magistrate.

Zillah
January, 184

No. 2001.

To the Criminal Authorities in the North Western Provinces, the Saugor and Nerbudda Territories, and the Province of Kumaon.

The Court are pleased, with the sanction of Government, to direct that the Magistrates will continue to transmit, as heretofore, for their orders all applications for the discharge of prisoners, suffering from blindness or other confirmed bodily infirmity, incapacitating them from labor, and rendering the remission of the unexpired portion of their sentences advisable. Act XVIII. of 1844, which relieves the Courts of Nizamut Adawlut from the control and superintendence of Jails, does not interfere with the privilege, heretofore exercised by the Court under express instructions from the local Government, of releasing blind and infirm prisoners within certain specified limits.

2. The Court take this opportunity of directing the attention of the several Authorities concerned to the instructions contained in Circular Order, Nizamut Adawlut, No. 218, dated 6th January, 1837, and enjoining the strictest conformity thereto in all applications, which may be hereafter submitted.

Agra, the 27th December, 1844.

No. 73.

To the Officers in charge of Jails in the North Western Provinces.

The Court of Nizamut Adawlut, having been relieved by Act XVIII. of 1844, from the duty of supervising the management of Jails, and all matters therewith connected, request, that the submission of the six Monthly Reports, prescribed by Circular Order Nizamut Adawlut, No. 176, dated 31st July, 1835, may be henceforth discontinued, and that the Criminal Authorities will be guided in regard to these returns and other matters of the same description, by such instructions as they may receive from the Government of the North Western Provinces.

Agra, the 20th January, 1845.

No. 76.

To the Criminal Authorities in the North Western Provinces, Kumaon, and Saugor and Nerbudda Territories.

The Court have reason to apprehend, that Witnesses in general are required to be in attendance for a much longer period than is either desirable or requisite. Their

detention arises sometimes from the postponement of their examination for some days after their arrival in the Magistrate's Court, and sometimes from the omission of the Magistrate to peruse the depositions as soon as they are recorded by the Mohurrirs, or from his neglecting, in heavy and complicated cases, to examine the Witnesses on points, which may appear to have been insufficiently elucidated. But to whatever cause attributable, it is obvious, that the prolonged detention of Witnesses must, in the case of indigent individuals especially, prove highly distressing, and tend in general to create a reluctance on the part of private parties, to attend the Criminal Courts and aid by their testimony the efforts of Magisterial authority for the detection of crime, and of those engaged in its commission.

2. The adoption of a methodical plan will, the Court believe, have a beneficial effect, by directing the attention of the Magisterial Officers in a special manner to this part of their duties, and thus preventing the prolonged detention of Witnesses, except for good and sufficient reason. With this object the Court circulate a form of Diary, which has been in actual use in these Provinces, and which the Magistrates are hereby desired to introduce in their own offices, and in those of their subordinates.

3. The several headings of the Diary are so clear, that the brief directions annexed to the Form will suffice to shew the manner in which it should be prepared.

Agra, the 22nd January, 1845.

Diary of Witnesses in Attendance in the Magistrate's Court alluded to in Para. 2 *of Circular Order.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
					Cases in which concerned.		Number of days detained.								
Date of arrival.	Date of Deposition, &c.	Date of Attestation.	Name.	Designation.	Plaintiff.	Defendant.	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	More than 7 days.	Name of Mohurrir taking evidence, &c.
5th Oct.	5th.	6th.	Gungaram.	Complainant.	Gungaram.	Imam Buksh.	1	..	..	..	..	..	..	..	Gungaram.
,,	5th.	6th.	Nudeh.	Witness.	Ditto	Ditto.	1	..	..	..	..	..	..	..	Ditto.
,,	5th.	7th.	Imam Buksh.	Defendant.	Ditto	Ditto.	..	1	..	..	..	..	..	..	Ditto.
,,	6th.	8th.	Noopey.	Petitioner.	Noopey.	Imamee.	..	..	1	..	..	..	..	..	Ditto.

This Book is always on the Magistrate's Table in the Kutcherree. The Nazir fills up the 1st, 3d, 4th, 5th, 6th, and 7th Columns, whenever a Petition may be presented or a case be received from the Thannah; he then fills up the 16th Column, and delivers the case to a Mohurrir, and if he do not receive it back *ready* on the same day, reports accordingly to the Magistrate. On receiving it he fills up the 2d Column, and the Magistrate signs all the depositions, and when that officer *hears and attests* the depositions, he signs them again, and causes the 3d and corresponding Columns to be immediately filled up in his presence.

No. 434.

To the Magisterial Authorities in the North Western Provinces.

The Court deem it proper to intimate to the Magisterial authorities that in the event of its being found necessary to commit a European British subject for trial before the Supreme Court, it will be necessary for the conviction of such person, that there be direct proof of his amenability to that Court. The mode of proof will consist in the evidence of a credible person, who knows the accused, and his place of birth, or who has heard him declare of what country he is.

Agra, the 4th April, 1845.

No. 492.

To the Criminal Authorities in the North Western Provinces, Kumaon, and Saugor and Nurbudda Territories.

The Court, having reason to believe, from a comparison of the Statistical Returns from different Districts, that Act IV. of 1840 is variously administered, and that to this diversity of legal interpretation, rather than to any local or peculiar circumstances, the very remarkable difference in the number of suits, instituted under its provisions, is attributable, desire to point out, for the guidance of the Criminal Authorities, that absolute proof of actual "*forcible*" dispossession is an indispensable condition to the restoration of the party complaining to possession; the mere assertion of an apprehension, that a breach of the peace will ensue, and that dispossession will follow, is insufficient, under the terms of Section 4 of the Act, to legalize the reception and investigation of such complaints, it being obviously the intention of the Law, that the complaint of having been "*without authority of Law forcibly dispossessed*" of the disputed property, shall be substantiated by "the examination of the necessary witnesses and documents;" or in other words—by the adduction of direct evidence, before any order can legally issue for the reinstatement of the party complaining in possession of the subject of dispute.

2nd. The several Criminal Authorities, competent to try and determine suits under Act IV. of 1840, will be careful to observe the legal obligation above recited, and to remember, that in complaints of the nature adverted to, the *only* point to be established by the complainant is the fact of forcible dispossession, on proof of which the Magistrate is directed to "record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the *right* to possession be determined by a competent Court;" in like manner, the Court observe, the only point to be tried on revision of the case in appeal, is, whether such forcible dispossession has been established or not, and any endeavour to ascertain and record the "right to possession" is not only irrelevant, but constitutes in fact an illegal and undue arrogation of authority on the part of the deciding Officer; evidence of forcible dispossession carries with it, as a matter of course, proof of antecedent possession, the maintenance of which, without reference to right, is the object of the Law, and the utmost limit of authority conferred by the Act under consideration.

3rd. Session Judges are desired to enforce a strict adherence to the foregoing principles in the decision of cases under the provisions of Act IV. of 1840, and to correct any departure therefrom, which may fall under their observation.

Agra, the 16th April, 1845.

No. 508.

To the several Criminal Authorities in the North Western Provinces, Kumaon, Saugor and Nerbudda Territories.

In pursuance of instructions from the Government, the Court circulate the subjoined Extract from a Despatch from the Hon'ble the Court of Directors, for the information and guidance of the Criminal Authorities.

Extract from a Despatch from the Hon'ble the Court of Directors in the Legislative Department, dated the 4th September, 1844, *No.* 21.

Para. 32. It is represented that the crime of Dacoity is followed professionally by considerable numbers, as a means of livelihood, in our own Territories, and in those of Native States, and that the robberies are committed by regularly organized gangs acting under the direction of recognized leaders. The object of the present Act is to apply to Dacoits the special provisions which have proved very efficacious in suppressing the crime of Thuggee under similar circumstances.

Persons proved to have belonged to any gang of Dacoits, are made liable to transportation for life, without the necessity of proving their participation in any act of Dacoity, and persons accused of that offence, wherever committed, may be brought for trial before any Court of competent jurisdiction.

33. We do not withhold our sanction even of an enactment of so great severity for an object of such incalculable benefit to Society, as the effectual suppression of Dacoity; but we must earnestly call your attention to the caution addressed to you in your Judicial Despatch of the 28th August, 1839, to be on your guard against the abuse and oppression to which the systematic and exclusive employment of *approvers* for the conviction of accused persons is necessarily liable. The testimony of men, by their own acknowledgment stained with the same crimes which they lay to the charge of others stands always in need of some corroborative evidence; and if it be received with favor or without distrust may, from vindictive or selfish motives, or even from mere wantonness, be turned equally against the innocent and the guilty. We regret that you should have thought it necessary to make the Act retrospective in its operation, as under a strict interpretation, parties who have ceased to belong to gangs of Dacoits, may be rendered liable to its penalties. You will be careful to guard against such evil consequences from the new enactment, and if your precaution should prove ineffectual you will not fail to rescind it.

Agra, the 18*th April,* 1845.

No. 528.

To the Magisterial Authorities in the North Western Provinces.

The Court deem it proper to intimate to the Magisterial Authorities that European British subjects, brought before them for any alleged offence, should not be interrogated upon the matters charged against them, but merely asked if they wish to make a statement in regard to the charge, and at the same time warned, that whatever they

may say will be made use of against them. After such question and warning the statements made by the accused are to be taken down.

2. A copy of the form of examination to be made use of is annexed.

Agra, the 25th April, 1845.

The examination of——————————————————————————
taken by me ——————————————————————— Esquire,
Magistrate of ——————————————————— and one of Her Majesty's
Justices of the Peace the ——————————————————————
day of ——————————————— 184—. The said examinant being charged on
the solemn affirmation of ———— with having (here state the charge) being duly cautioned with.

No. 845.

To the Sessions Judges in the North Western Provinces, and Saugor and Nerbudda Territories, and to the Commissioner of Kumaon.

The Court, observing that some of the Sessions Judges still continue to advert in their Annual Reports on the administration of Criminal Justice to the condition and internal management of the Prisons, are pleased to remind them, that by Act XVIII. of 1844, the controul and supervision of those establishments have been withdrawn from the Nizamut Adawlut, and that the inclusion of such matters, as well as of questions relating to the constitution and character of the Police, serves only to increase the bulk of the Annual Reports, without effecting any useful purpose.

2. The Sessions Judges are requested to confine their attention to the several subjects, denoted in paras. 5—11 of Circular Order, Nizamut Adawlut, No. 98, dated 27th June, 1842, being careful particularly to note such information in regard to the condition of their respective districts, " as local experience and observation will readily supply, but to convey which the most elaborate figured statements would be inadequate."

Agra, the 8th July, 1845.

No. 912.

To the Criminal Authorities in the North Western Provinces.

With reference to the Circular Order, No. 82, of the 18th June, 1841, regarding the forms of processes for service within the jurisdiction of the Supreme Court, under Act XXIII. 1840, I am directed to transmit to you the subjoined form to be used in the like case and otherwise under Act X. 1845.

Warrant in cases of failure to serve summons.

To MAHOMED NAZIM, *Nazir of the Fouzdarry Court of the* 24 *Pergunnahs.*

Whereas a summons was issued against Ramdhun Mistry, to appear and answer to a charge of assault preferred by Sheikh Ramjoo, and whereas it has been proved that, notwithstanding due diligence, the Officer entrusted with the summons has been

unable to serve the same on the defendant, you are hereby directed to apprehend the said Ramdhun Mistry, and to produce him before the Magistrate of the said Court. In this fail not. Dated the 5th day of April, 1845.

L. S. A. B.

Agra, the 1*st August,* 1845.

No. 941.

To the several Criminal Authorities in the North Western Provinces.

The Court are pleased to notify, for the information and guidance of the several Criminal Authorities in the North Western Provinces, that Construction No. 529, which declares specially empowered Assistants competent to require Mochulkahs and security under Regulation IV. of 1825, has been rescinded with the concurrence of the Nizamut Adawlut for the Lower Provinces.

Agra, the 2*nd August,* 1845.

No. 1122.

To the Criminal Authorities in the North Western Provinces.

The Courts of Nizamut Adawlut for the Lower and North Western Provinces have ruled, in modification of the 3rd Clause of Circular Order, No. 100, dated Lower Provinces 7th, and Western Provinces the 28th January, 1842, that every sentence or order of an Assistant vested with special powers, in a criminal trial or judicial proceeding, awarding a punishment within the limitations expressed in Section 2, Act XXXI. of 1841, is appealable to the Magistrate, Joint Magistrate or Officer, exercising the powers of Magistrate.

Agra, the 12*th September,* 1845.

No. 1371.

To the Criminal Authorities in the North Western Provinces.

The Court deem it necessary to call the attention of the Criminal Authorities to Construction No. 857 which prohibits the employment of the term "Thaugeedaree" in charges for knowingly receiving stolen or plundered property, and enjoins the use of the words

دیدہ و دانستہ گرفتن و داشتن مال سرقہ یا مغروتہ

2nd. The Court further direct, that an addition be made to the charge in all such cases, with the view to show distinctly whether the property illegally possessed was acquired by Theft, Burglary, Dacoitee, Highway robbery or Thuggee.

3rd. The reason of such addition is that a person, accused of receiving property, stolen or plundered by Thuggee or Dacoitee, may be committed, under Acts XVIII. of 1839, and XXIV. of 1843, by any Magistrate within the Territories of the East India Company, and may be tried by *any* Court, which would have been competent to try him, had his offence been committed within the Zillah where that Court sits, whereas in the trial of charges for the guilty receipt or purchase of property, acquired by Theft, Burglary or Highway Robbery, it is essential to its legal validity, that regard be had to the jurisdiction within which the offence was perpetrated, and to the competency both of the committing and trying Officer, to take cognizance of the same.

Agra, 10th November, 1845.

No. 1392.

To the Sessions Judges in the North Western Provinces.

Several instances having come before the Court, in which prisoners are referred to in the depositions of witnesses, and in the futwas of the Law Officers, by the numbers they bear in the Calendars, and not by their names, I am directed by the Court to request that the practice be avoided, and that the *names* mentioned by witnesses be invariably written down.

Agra, the 17th November, 1845.

No. 1484.

To the Sessions Judges and Officers in charge of Jails in the North Western Provinces.

It having come accidentally to the knowledge of the Court, that convicts are frequently in the habit, with a view to obtain their liberation from Jail, of causing temporary, and possibly permanent loss of vision by applying lime and other injurious substances to their eyes, they desire to warn the Officers, having charge of Jails in the North Western Provinces, of the prevalence of this practice, and direct that, whenever applications for the release of prisoners, afflicted with blindness, be submitted to them, the Civil Surgeon be required to record his opinion as to the origin of the calamity, and to state distinctly, whether, from the appearance and nature of the malady, there is any reason to suspect that it has been designedly produced, or is purely the result of misfortune.

Agra, the 12th December, 1845.

No. 1488.

To the Criminal Authorities in the North Western Provinces.

Applications for the liberation of persons, convicted of having committed penal acts while laboring under insanity, and directed to be kept in confinement until their restoration to reason, are frequently received by the Court, unaccompanied by those details of the Prisoner's mental variations and progress towards recovery, which alone

can enable them to judge, whether the party in question can be released without danger to the community.

2. The Court are pleased, therefore, to direct, that applications of the nature mentioned shall be invariably accompanied by a medical history of the prisoner's case from its coming under the notice of the local medical authority, of its peculiar features, together with an account of the patient's mental variations, his improvements, relapses and final recovery, and a specification of the period, during which he may have remained free from any return of the malady, or of symptoms denoting its approach, and, further, to intimate that, unless this history be in every respect satisfactory and conclusive as to the restoration of the prisoner to a state of sanity, likely to be permanent, they will consider themselves bound, for the sake of the public safety, to disallow the application to which it may relate.

3. Magistrates should require the Civil Surgeon, or other Medical Officer having charge of the prison or the Lunatic Asylum, in case of his removal, to put on record a professional history of the nature described respecting each prisoner laboring under mental derangement, in order that the object proposed by this Circular Order may not be frustrated by mutations of incumbency in the situation of Civil Surgeon.

Agra, the 13th December, 1845.

NOTIFICATIONS

OF THE

SUDDER DEWANNY AND NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1845.

No. 1171.

The Court are pleased, under instructions from Government, to notify that the following Supplementary Rules for the administration of Civil Justice in the Province of Kumaon were passed by the Honorable the Lieutenant Governor, North Western Provinces, under date the 3rd instant.

Suits, cognizable by the Moonsiffs of the Province under the Rules at present in force, shall ordinarily be instituted originally in their Courts.

Act XIX. of 1843, together with the Circular Order of the Sudder Dewanny Adawlut, No. 1288, dated 26th July, 1844, published in the *Government Gazette* of 20th August last, on the subject of Registration of Deeds, are declared applicable to the Province of Kumaon, subject only to the difference in the Amount of Fee leviable, which is to be limited as heretofore to One Rupee.

These Rules will be in force from the date on which they may be promulgated in the Province.

Agra, the 4th July, 1845.

No. 1904.

The Court of Sudder Dewanny Adawlut for the North Western Provinces promulgate, for general information, the following Resolution, on the subject of Special Appeals in Miscellaneous Cases, and intimate, that the rule thereby established, will guide the proceedings of the Court in Appeals of the nature mentioned, from and after this date.

Agra, the 1st December, 1845.

At a Court of Sudder Dewanny Adawlut, held at Agra, on the 1st of December, 1845.

Present :

B. TAYLER,.....
G. P. THOMPSON, AND
J. DAVIDSON,.....
Judges. } *Esquires.*

Read and reconsidered the Register's letter, No. 1150, dated 3d July last, and the reply of the Sudder Dewanny Adawlut for the Lower Provinces, No. 1199, dated 1st ultimo.

Whereas it is provided by Section 22, Regulation V. of 1831, and Section 8, Act XXV. of 1837, that from the orders of the Principal Sudder Ameens in certain Miscellaneous Cases an Appeal shall lie, in the first instance, to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut, and whereas it has been determined by the concurrent opinion of both Courts, that it was the purpose of the Legislature to restrict the Sudder Dewanny Adawlut, in the reception of such Special Appeals, to the trial of any points in the decision of the Lower Court, which might appear inconsistent with Law, or usage having the force of Law, or some practice of the Courts, and not to authorize the correction of an error in the determination of facts:

It is hereby resolved, that applications for Special Appeal in Miscellaneous Cases of the nature described in Section 22, Regulation V. of 1831, and Section 8, Act XXV. of 1837, shall be admitted only for the trial of any point, or points in the decisions of the Lower Courts, that may appear to be inconsistent with some Law, or usage having the force of Law, or some practice of the Courts, or that may involve some question of Law, usage or practice upon which there may be reasonable doubts, and that every such application shall be accompanied by copies of the final orders, previously passed in the case.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1845.

No. 1 OF 1845.

The Sudder Board of Revenue, North Western Provinces, having under the sanction of Government and in communication with the Officiating Civil Auditor arranged with the Committee of the Agra Orphan Institution that all bills for printing, executed under the terms of the existing contract, shall receive the counter-signature of the Board as soon as the work is reported by the Superintendent of the Press to have been completed, they request that no delay may occur on the part of indenting Officers in remitting to him the amount charged.

2. The Board have further arranged to adjust complaints respecting rate of charges or character of work, whenever preferred.

Agra, the 7th January, 1845.

No. 2 OF 1845.

Dated Agra, the 31st January, 1845.

The Sudder Board of Revenue, North Western Provinces, request the attention of Officers in the Revenue Department to the subjoined Extract, Paras. 2, 3 and 4 of the orders of Government, No. 187, dated 17th January, 1845, in order that the instructions therein given may be observed on all future occasions of classifying and reporting Revenue balances.

Extract from Government Order.

2. The Lieutenant Governor requests that hereafter those balances only be considered nominal in which reduction of Juma has been made by an officer duly empowered by the Government to revise the settlement and alter the demand of Government,

and that all balances other than those accruing on a Juma sanctioned by the Government for a term of years be considered real and reported as such.

3. But the Lieutenant Governor is sanguine that with effectual assistance from the Board, all those balances which, as specified above, are still to be called nominal will soon cease, and that the Accountant's statement of the demand of the Government will become the real amount, which the Government expected to realise at the time that it confirmed each settlement, or which it has subsequently consented to receive in place of its first demand.

4. The difference between the annual Jumabundee and the Government Juma in estates held Kham, should be entered as doubtful, till final arrangements are made regarding the estate, when it will be recovered or recommended for remission as the case may be.

Agra, the 31*st January,* 1845.

CIRCULAR, B.

From H. M. ELLIOT, *Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces, to Commissioners of Revenue, No.* 2, 3, *and* 4 *Divisions, dated Agra, the* 11*th April,* 1845.

With reference to, and in continuation of their Circular Order of the 20th September, 1844, I am directed by the Sudder Board of Revenue, North Western Provinces, to forward, for your information and guidance, the annexed copy of the orders of Government, No. 922, dated 17th March, with copy of its enclosure, respecting suits brought to contest the decisions of Settlement Officers regarding Talooqdaree Tenures.

2. The Board request that the instructions of Government on this subject be carefully followed, and that in all cases before the Courts, information of the progress of each suit be submitted for the consideration of the Board.

ENCLOSURES.

Copy of Orders of Government, dated 7*th March,* 1845, *No.* 922 *and enclosure, viz. Extract paras.* 43 *to* 67 *of a note recorded in the Revenue Department, dated* 24*th August,* 1844, *on the Talooqdaree and Muqudduumee tenures of the North Western Provinces.*

No. 922.

From J. THORNTON, *Esquire, Secretary to the Government, North Western Provinces, to* H. M. ELLIOT, *Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces, dated Agra, the* 7*th March,* 1845.

With reference to the correspondence noted in the margin,* on the subject of suits instituted in the Civil Courts to contest the decisions of Settlement Officers regarding Talooqdaree tenures, I am directed to re-

* Your letter, No. 475, dated 20th September, 1844.
Your docket, No. 476, dated idem.
My letter, No. 4749 dated, 25th October, 1844.

quest that you will call the attention of the Board to the Circular Order on the same subject, promulgated by the Court of Sudder Dewanny Adawlut under date the 31st January, No. 189.

2. In order to put the Board further in possession of the views entertained by Government upon this important class of cases, I am also directed to forward, for their information and for communication to the subordinate Revenue authorities, extract, paras. 43 to 67, of a note recorded in this office, upon the general question of these suits on the 24th of August last.

3. The Board will observe that the erroneous principles maintained by some of the inferior Civil Courts, which form the subject of paras. 48 to 57 of the above extract, are directly condemned by the exposition of the law now put forth by the highest judicial authority. It is definitively ruled by the late Circular of the Sudder Court, that the Settlement Officers had the power judicially to entertain the questions which are now open to retrial in a regular civil suit, and that neither the circumstance of the one party having been admitted to engagements with Government in previous Settlements, nor that of such party having been hitherto recorded as Zemindar, or under any other title, is sufficient, *primâ facie*, to bar the recognition of any co-existent rights which another party may be found to possess in the same land. It is also ruled that the possible existence of two parties, thus possessing rights of different kinds in the same land, is distinctly recognized by the law; and that, in cases where they are found to exist, the privilege of determining which of them shall be admitted to engage for the revenue, as well as that of distributing the net profits of the estate between the two parties, is left to the administrative authority alone.

4. The only question which the Courts have now to determine is clearly stated in the 4th paragraph of the Circular Order now promulgated. They have merely to decide whether there were in reality two parties, or one alone, possessing heritable and transferrible properties in the land. This point has been left by the Circular to the discretion of the several officers who have to try the cases. It is only laid down that each case is to be considered a suit *de novo*, and is to be tried on its own merits; that is, that defect or incompleteness in the form of the Settlement Officer's proceedings is not to bar the full investigation of the question.

5. It remains therefore for the Board and the local revenue authorities to see that the pleadings are such as to guide the Courts to a correct decision upon the point thus left to their investigation. The question is fully treated of in paras. 58 to 67 of the extract herewith forwarded. The Collectors should be directed to enquire in every case whether the decision of the Settlement Officer, which may be contested in the Courts, can be defended on the principles there laid down, and when satisfied on this score, to enter pleadings accordingly in the name and on behalf of the defendant through the Government Vakeel. If, notwithstanding, the decision of the Court should be in favor of the plaintiff, the Collector will encourage the defendant to appeal, and will report the case in detail for the information of the Board. If, on the other hand, the Collector should, after sufficient enquiry, deem the case to be indefensible on just principles, he will abstain from all interference, and leave the parties to plead through their own Vakeels, and on such grounds as they may judge best.

6. By a steady pursuance of this course, it may be hoped that a more reasonable and consistent practice will be introduced into the Courts than has hitherto obtained.

A few cases, carried up on strong grounds to the Sudder Dewanny, and there decided on right principles, would establish this desirable result. Such cases may hereafter be translated and printed, so as to be circulated for the information of the subordinate judicial functionaries.

J. THORNTON,
Secretary to Government, N. W. Provinces.

Extract, paras. 43 *to* 67, *of a note recorded in the Revenue Department, dated the* 24*th August,* 1844, *on the Talooqdaree and Muqudduumee tenures of the N. W. P.*

Para. 43. It has been under the authority thus conveyed that the late extensive proceedings have taken place, as regards the adjudication of rights in Talooquas and large Zumeendarees. The Settlement Officers have very generally come to the conclusion that, in many of the villages contained in these tracts, there did exist two parties possessing rights of different kinds; viz: the village occupant or community, by whose ancestors the village had been originally formed, and who had continued to reside in it up to the present time with different degrees of possession, but still acknowledged by universal consent to possess a right to the management and occupancy of the soil which no one else possessed; and, on the other hand, the Talooqdar or Zemindar, who had acquired by grant or prescription a right to engage with Government or to a compensation if not so admitted to engage.

44. Different modes have been pursued for protecting what have been thought to be the rightful interests of these two parties. One point was unanimously agreed upon, viz: that it was impossible to give either due protection or due satisfaction to the claimants of the under tenure, without investing them with the entire management of their respective villages, and fixing the sum which should be demandable from them for the same. Their claim was to be put upon the same footing in these respects with that on which their brethern outside the Talooqua *now* stood *under our system;* inasmuch as their rights rested on the same original foundation, and had never been forfeited. But this might be granted either by admitting the Talooqdar to engagements and then making an under settlement with the several village proprietors, or by excluding the former altogether, and by taking the Government revenue direct from the latter, together with an allowance payable to the Talooqdar in lieu of the Sudder management.

45. Both these courses were legal under Clause 1 or Clause 2, Section 10, Regulation VII. of 1822. The first was that which it was originally proposed to adopt, and that on which the proceedings in Pergunnah Moorsaun, Zillah Allyghur, were first based. It possesses several advantages over the other, especially as, while it gives much greater security for the Government Revenue, it does not at once annul the connection which has long existed between the Talooqdar and the village communities, nor does it create the anomaly of granting a perpetual allowance to the former, without his incurring either trouble or responsibility in return for it, but was overruled in the case of Moorsaun by the higher Revenue authorities, who decided that the Rajah's engagements with Government should be cancelled, and that the village Muqudduums should henceforth pay the Government revenue, together with the Rajah's Talooqdaree allowance, direct to the nearest Tuhseeldar. The Settlement arrangements thus modified were confirmed with marked approbation both by the Government and by the Court of Directors.

46. The precedent thus established has been followed in all subsequent cases where the Talooqua was of any size. It is only in single villages or in a few of the smaller Talooquas that the double settlement has been resorted to.

47. We now come to the question in what light these cases have been viewed by the Civil Courts, as far as they have hitherto been brought to trial before them, and in what respect the investigations held by these Courts and the decisions passed by them, may be considered defective, as not touching upon the real points at issue.

48. In some of these decisions it is affirmed that the Settlement Officer exceeded his powers in the admission of the village communities to engagements. It has been shewn above that this was not the case; the law being amply sufficient to bear him out in his proceedings, as far as the point of jurisdiction was concerned. But, moreover, this is a point with which the Courts have no concern; it being distinctly laid down in Section 18, Regulation VII. of 1822, and generally throughout that Regulation, that the Collector alone is the judge of the question of jurisdiction (subject to the Board and to Government) and that the Courts shall not disturb possession given by a Collector, except upon trial of the right, or, as otherwise expressed, upon the merits of the case.

49. Another and the most common argument adduced by the Courts for annulling the Settlement Officer's proceedings is as follows. "The Talooqdar has been "recorded in former Settlements, or under the former Governments as Zumeendar. "The party whom the Settlement Officer has admitted, and to whom he has, in fact, "given the real proprietary right in the Mouzah, have never been called any thing else "than Muquddums. Therefore, as the title of Zumeendar is superior to that of "Muquddum, the former must be better entitled to hold the proprietary right than the "latter."

50. Now the answer to this is, that the title heretofore enjoyed by either party is no sufficient indication of the extent of its interests, and that it is sure to mislead if depended upon with this view. As regards, for instance, the term "Zumeendar" we have (as before mentioned) a "Zumeendaree" in one case of 22 pergunnahs, in the other of the whole province of Benares. In the first case, we have the Zumeendaree rights limited to the receipt of a nankar from Government, and to a small per centage on the collections, and to 2 rupees annually per village, all other tenures remaining as before. With regard to the second case, we have the following passage in Clause 1, Section 17, Regulation II. of 1795. "The landholders in the *Zumeendaree* of Benares consists for the most part of *village Zemindars*, paying the revenue of their lands to Government jointly with one or more Putteedars or partners, descended from the same common stock." This is exactly the description of the *village Zemindars* in the *Zumeendaree* of Moorsaun or any other similar Talooqua. Regulation VII. of 1828, distinctly recognises village owners with the most complete proprietary rights even in that part of the Benares Zumeendaree which was specially reserved to the Rajah upon the cession of the rest of the province.

51. In the Regulations which relate to Bengal and in the earlier Regulations for these provinces, the Sudder Malgoozar of a tract of country was called a Zemindar, and the owners of single villages under him were called Talooqdars. In the later Regulations, the terms have been reversed. Under the Native Government any person who paid revenue direct to the State upon a permanent tenure was termed a Zemindar. When

a Talooqdar was thought to have obtained settled possession of any part of the tract, for which he paid the revenue, he was styled Zemindar of that part and Talooqdar of the rest. Sometimes he was called Talooqdar Zemindar of the first and Talooqdar Moostajir of the last, when he was turned out by some power too strong for him to resist; the headmen of the village communities were often recorded with the same title of Zemindar. In our own early settlements the title was never bestowed judicially, after investigation, but each Sudder Malgoozar was allowed to assume it, until his rights to any particular title or tenure should be investigated and proved. A provision in Clause 2, Section 5, Regulation VII. of 1822, has already been quoted, as recognizing that a man may be a Zemindar without being an actual proprietor. In Section 14 of the same Regulation, Collectors are required in case of any dispute in regard to the nature of any person occupying the soil, to refer to the denomination heretofore applied to him only as *one* means of proof in regard to the nature of his interests: thereby evidently asserting that the denomination *alone* can never furnish conclusive proof upon the subject.

52. Again with regard to the term "Muquddum." In the decisions which have been passed by the Native Judges it is often asserted that a Muquddum is nothing more than a head ryot, planted on the spot by the Zemindar of the village, and supported by him in return for service done. Now, it has been shewn above, that this is true only in some instances, but that it is not so in the cases to which these present remarks apply. The term "Muquddum" means simply head or chief. It may therefore either apply to the head ryot, who is the mere creature of the recorded Zemindar, or it may apply to the representatives of the village community who are themselves the original founders, occupants and managers of the village.* In the latter sense the term is often of value, as denoting the existence of such communities in contradistinction to the term "Moostajir" applied even in the Talooqdar's own books to those temporary occupants of villages who had no right in the soil. But no deductions can be drawn from the appellation, until it is known to which of the above classes it is to be referred.

* It was to avoid this ambiguity for the future, that the term "Biswahdars" was added to that of "Muquddums," in order to designate the heads of the proprietary bodies who were admitted to engagements at the Settlement.

53. The very first step, then, towards arriving at a true and just conclusion on these questions is to dismiss from the mind all pre-conceived ideas, in favor of one party or of the other, founded on the appellation which they may hitherto have borne.

54. A third ground upon which the Settlement arrangements have been questioned in the Civil Courts, is upon that of the statute of limitations. It has been supposed that the recognition of the Talooqdar under former Settlements as Sudder Malgoozar was sufficient to bar the claim put forward by the village communities at the time of Settlement. This, however, is evidently not the case; that statute referring only to the adjudication of rights which are diametrically opposed to each other, and which *cannot co-exist* in the same subject matter. In the language of English Law, the possession of the one party must have been *adverse* to that of the other. But the Settlement proceedings rest specially upon the ground that there *are such co-existing* rights in the same land, and the object of those proceedings is to define and secure the lawful interests of the two parties who possess these rights: as long as this is done, the choice of the party who shall be admitted to engage is left by the Law to the Revenue authorities alone, and the Courts have no jurisdiction on that head.

55. Again the rights of the village communities have never been so completely in abeyance, as that their recognition should be barred by the statute of limitations. They may, or may not, have held a theekah under the Talooqdar. Where this has occurred it was a distinct revival of their original claim and tenure. But even where this has not been the case, it has hardly ever happened that they have been reduced to the mere rank of common ryots; whatever privileges they may have enjoyed above such ryots, may be considered as indications of their original condition, and as keeping alive their claim to be restored to that condition.

56. The laws, moreover, above quoted, which reserved to the Government from the first the power of protecting all the inferior classes of land owners, are sufficient to bar any prescription being urged against them, so long at least as the recognition of their rights has not been pushed so far as to extinguish altogether those* of the Sudder Malgoozars themselves.

57. It has thus been seen that the Courts cannot call in question the Settlement arrangements in these Talooquas, either on the ground of the Settlement Officer having exceeded his authority, or on that of the one party having hitherto been recorded as Zemindar and the other as Muquddum, or, lastly, on that of the statute of limitations. If it were otherwise, and if objections would lie to the Revenue proceedings on the above grounds, it is clear that either a new enactment must be passed in order to legalize what has been done, or else that all which has been effected with so much labor and with so much approbation of the highest authorities during the last ten years may be at once annulled as illegal and untenable.

58. Passing over, then, the above points, as foreign to the question at issue, we come to the real matter which the Civil Courts have to determine in suits of this nature, viz: was the Settlement Officer right in concluding that in the village under dispute, there really existed a party besides the recorded Talooqdar or Zemindar, possessing an hereditary and transferrible right in the soil? This fact being once admitted, the province of the Courts extends no further, when once the hereditary and transferrible rights of the two conflicting parties are acknowledged, the adjustment and definition of these rights and the choice of the party from whom the revenue is to be received, is left by the law to Government acting upon the advice of the Revenue authorities alone. The Courts indeed, having no power over the assessment, could not interfere to alter these arrangements as far as they relate to the distribution of profits.

59. It may now be asked what proofs the Courts should require as regards the real question thus brought before them for decision. It has been one main object of this paper to show that the title of the village occupants or communities to an hereditary and transferrible interest in the soil, (upon substantiating which their right to the

* The amount to which the Talooqdar is considered strictly entitled as a compensation for his prescriptive or patent title to the management, when he is excluded from engagement, is considered to be 10 per cent. on the Government revenue That was the proportion of the proceeds which the Native Governments allowed under the name of "Huk" or "Deyhuk Zemindaree" to those who engaged for the revenue under them upon a permanent tenure. The same proportion is shewn in the extent of land to which the Zemindar of a Mualee Village was entitled and which was called the "Dobiswah", i. e. two Biswahs out of every twenty. The Mahratta "Desmookhy" was an allowance similarly calculated. This is also the amount of net profit assigned to Zemindars in general who might engage with Government by Section 4, Regulation IX. of 1812, and Section 4, Regulation X. of 1812. A large profit was allowed by Clause 2, Section 7, Regulation VII. of 1822, but not of right, as it was only to be allowed in case of an increase being contemplated in the demand.

position assigned to them at Settlement by law depends) is to be judged of first and principally by their origin and descent. If it appears that they were the party who had occupied and managed the estate before the Zemindar or Talooqdar was put in authority over it, (whether they were the original settlers, or those who succeeded to them on the same footing), they must be held to have, at that time, enjoyed all the privileges which have been described as possessed by the village proprietors when they dealt direct with the State; and, as these privileges have been since in no way forfeited, and as they undoubtedly include an hereditable and transferrible right, the point at issue between them and their present superior must be considered as established in their favor.

60. If, on the other hand, it should appear that the ancestors of the present claimants were introduced into the village subsequent to the formation of the Zumeendaree or Talooqua in which it is contained, the presumption will be that those ancestors never occupied the position above described, and it can only be on some special grounds, either of grant from the Zemindar himself or of long-continued under-possession, perhaps at times when the latter had been himself expelled, that their claim to be put upon an independent footing, can now stand. The presumption, in short, will be strong against the claimants in this case as it was overwhelming in their favor in the other.

61. In cases where the claimants assert that their ancestors were the original and independent founders of the village and this is denied on the other side, proof will of course be required from both parties of their respective allegations. The Talooqdar will have to prove that his ancestors introduced the ancestors of the claimants as mere tenants at will; the latter will have to rebut this assertion. The following points may be mentioned as giving the surest indications upon this subject.

62. *First.*—There can be no clearer proof of the independent origin of the village claimants than the fact of many neighbouring villages being held or claimed by men of the same class who assert themselves to be descended from the same stock as the claimants, and agree with them as to the manner in which their first ancestors settled in that part of the country, and in which the several villages which still bear the name of a member of the family have at various times been founded and established: where these facts present themselves, the point in dispute is at once set at rest. It is quite impossible that a race of mere tenants at will could have thus parcelled out and appropriated the country among themselves, could have given their own names to the villages which they formed, and transmitted those villages, or at least uniformly asserted claim to them, to their descendants. The proof thus afforded is still further strengthened, as has been before observed, if it be found that these contiguous villages possess fields interspersed and mingled one with another, as this circumstance points distinctly to the mode of partition practised by the original cultivating and proprietary communities of the country, and by them alone.

63. *Secondly.*—It may be that the claimants form an isolated community, and are therefore unable to appeal to such facts as the foregoing in proof of their origin. In this case it is still the most satisfactory method of arriving at the truth to take the evidence of all the independent neighbours round upon the subject. This must not be done in Court according to a packed list furnished by the parties, but on the spot through some trustworthy Commissioner, who may be empowered to question whom he likes without giving previous notice of his intention.

64. *Thirdly.*—The position which the claimants have held under the Talooqdar, though not conclusive as regards the reception or dismissal of their claim, may be examined as affording one proof of the allegations upon which that claim is founded. The descendants of the original proprietors will commonly be found to have exercised some or all of the rights hereinafter mentioned, even during their subjection to the Talooqdar.

(A.) They were admitted to hold their village under the Talooqdar, or were at all events acknowledged as those who were entitled so to hold it, unless some special cause intervened for it to be held kham, or given to a stranger.

(B.) They engaged under the denomination of Muquddums; all others being termed Moostajirs.

(C.) When allowed to engage, they held, according to their established shares, not, as others would have done, according to an arbitrary division.

(D.) When a stranger was admitted, they frequently took a lease under him, or still oftener they raised the required sum in separate shares, each being answerable for his own division of "behree."

(E.) They mortgaged and redeemed their shares, if they retained the management of their seer land, if they had been deprived of the management.

(F.) They were the referees in all matters connected with the boundaries of the village.

(G.) They received rent or "hukook" from some of the inhabitants of the village, or enjoyed sayer collections of various kinds.

(H.) They planted groves, dug wells, and were evidently on a fixed footing in the village.

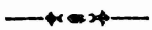
Some of the above facts would not be alone a sufficient indication of the descent of those to whom they refer from an independent stock, but the union of the whole or of most of them would furnish the strongest proof upon that point.

65. *Fourthly.*—If it should appear that the Talooqdar was out of possession during any intervals under the former governments, the old records of the canoongoes and other officers should be referred to, in order to see whether the present claimants, or their predecessors, were then admitted to engage, and if so, under what title.

66. In particular cases, particulars proofs will of course be adduced, but the above are those which will most commonly be found available to prove or to disprove the independent origin of the village communities.

67. It has been here argued that when this independent origin is proved, the case of the claimants is sufficiently made out, whatever may have been their position of late years under the Talooqdar. It is enough that they have inherited an inherant right to the occupancy of the soil; that they have never forfeited that right by their own will, or by that of the Government, and that they have constantly occupied a position, and

done acts which indicated continued existence of the right, although its full exercise may have been in abeyance. It could never be allowed that the Talooqdar should profit by his own wrong, and that in the proportion in which he had oppressed and ground down those whom by the laws, written or unwritten, of both Governments, he was bound to protect, in that proportion he should now be secured from their reclamations. Some difficult cases will occasionally present themselves, in which the old proprietors have been reduced to such a state that, although one or two of them had adhered to their ancient seats up to the time of settlement, all trace of distinction between them and the other cultivators had been long lost. But, generally speaking, the fact of continued residence on the spot is the only indispensable condition on which the claimants should be supported in the rights to which they are entitled by their descent.



No. 3 of 1845.

The Sudder Board of Revenue, North Western Provinces, promulgate the following rules, for giving effect to the provisions of Act I. of 1845, for amending the previous sale law of Act XII. of 1841, so far as relates to the provinces, subordinate to their control.

2. Collectors of revenue and other officers in charge of districts will continue to make application for sale in the manner prescribed by former rules.

3. On receiving the sanction of the Board, Collectors will be careful to issue a notification in the manner required by Section 5, stating the latest day fixed by the Board for payment of the arrear, and warning the defaulting proprietors that, unless payment be made on or before that date, the property specified in the notification will be brought to sale; but this need not be published in the Gazette.

4. If on the expiration of the period so fixed the arrears remain unpaid, Collectors will proceed without further reference or loss of time, to issue a second notification specifying the Estates for sale, and the date on which the sale will commence. This must, under the terms of Section 6, be published in the Gazette.

5. Simultaneously with the issue of the second notification, Collectors will cause proclamation to be made as provided by Section 7, forbidding, the ryots and under tenants to pay-rent to the defaulting proprietors from the day next after that fixed for the last payment, on pain of the penalty prescribed in the said Section.

6. Collectors will not fail to observe the different purposes for which the first and second notifications are required, and will be careful to see that each is made and published in the manner enjoined by Sections 5, and 6.

7. In cases of resale arising from default of payment of the purchase money, it will be sufficient to make the notification prescribed by Section 6, being careful not to issue the same until three clear days shall have expired after the day on with the default occurs.

8. It will also be observed that by the concluding clause of Section 16, the proprietors of the estate under resale are at liberty to tender payment of the arrears due

thereon, and if the whole amount be paid before sunset of the day preceding the day of notification of resale, the payment so made shall bar such resale.

9. In granting certificates of title, Collectors will be careful to specify the date of the day after that fixed for the last payment as that on which the sale takes effect.

Agra, the 2nd May, 1845.

No. 4 of 1845.

The following Circular Orders issued to Commissioners of the Agra, Rohilcund and Allahabad Divisions, are published for the information of all Officers in the Revenue Department.

Agra, the 13th May, 1845.

No. 50 of 1844.

From H. M. ELLIOT, *Esquire, Secretary Sudder Board of Revenue, North Western Provinces, to Commissioners of Revenue, Nos. 2 to 4 Divisions, dated Agra, the 20th September,* 1844.

With reference to General Orders No. 223 dated 17th January, I am desired to forward, for your observation and guidance, the following instructions respecting the conduct of the defence in suits instituted by a Talooqdar to contest the admission of Biswadars to Malgoozaree engagements.

2. Nothing need now be done in those suits which have been long ago decided, or in those in which the Biswadars have neglected to appeal, or, having appealed, have already filed a petition of appeal, and set forth their pleas for doing so.

3. But in cases of more recent occurrence, and in all future cases instituted by a Talooqdar, whether in the first instance or in appeal, in which he seeks to set aside the settlement arrangement and to deprive the Biswadars of their recorded right, the local officers should give them the aid of the Government Vakeel, and should instruct the latter in the mode of preparing his defence, and in the general conduct of the case. The result will in each instance be communicated to the Board.

4. The Vakeel should be instructed to state that Section 4, Regulation VII. of 1822, declares it to be the bounden duty of Government and its officers to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess, and adjust the respective rights of those who have an interest in Malgoozaree lands, that by Section XI. of the same Regulation, the officer employed in settlement duty is competent to investigate and determine the nature of the several tenures in any Mehal, and to correct the errors and omissions of former settlements by admitting to engagements persons in bonâ fide possession of the land.

5. It should always be shewn that the Settlement Officer's proceedings rest upon Clause 1 or 2, Section 10, Regulation VII. of 1822, by which it is enjoined that, whenever several parties are found to possess separate heritable and transferrible rights in land, the Government and its officers are competent to make choice, and direct which

of the parties in possession shall be admitted to engage for the public revenue, on the one condition only, that due provision be made for securing the rights of the remaining parties, that the point for the Courts to investigate is simply this, whether the Biswadars possessed a hereditary and transferrible right in the land or its produce, so as to bring the case under the clauses quoted.

6. It should be shewn also that the rights of both parties have been carefully adjusted and maintained by the record of Settlement, and that any interference therewith is wholly subversive of the paramount authority of Government, to make the settlement of lands paying revenue with whom it pleases, provided an equitable allowance be assigned in lieu of the title of management.

7. This mode of proceeding should not deter the Biswadars from pleading their own cause in such way as they consider best suited to their own interests.

ANNEXURE.

Orders of Government dated 17th January, 1844, No. 223.

No. 223.

From J. THORNTON, *Esquire, Secretary to the Government, North Western Provinces, to* H. M. ELLIOT, *Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces, dated Agra, the 17th January,* 1844.

In my separate letter, No. 222, of this date, the Board will have been informed of the principles on which the right of the Biswadars and the Talooqdar in the Biswadaree villages of a Talooqua are hereafter to be dealt with by the revenue authorities. The present instructions have reference especially to the application of these principles to the present state of things in Talooqua Moorsaun.

2. All points under discussion regarding these Talooquas having now been settled, it is unnecessary to maintain the prohibition in the Government Orders, No. 1837, dated December 29th, 1841, against the sale of the Biswadarree mouzahs for arrears of revenue.

3. The Board will proceed to realize outstanding demands from these mouzahs the same as in any other Zumindaree mehals, and if they concieve the balance to have arisen from wilful embezzlement or from mismanagement on the part of the Biswadars they are at liberty to bring the mouzahs to sale.

4. If the default has arisen from original over-assessment, the error should be corrected and a fair jumma fixed.

5. It is understood that in some cases the Talooqdar has brought suits against the Biswadars and succeeded in obtaining decrees for their ejection. The Board will report how many such suits have been brought. In those which have been decided they will state on what principles those decisions have rested, and how far these cases are now open to further consideration in appeal. In the suits still pending the Board will take every precaution in their power to prevent the assumption of any false or erroneous principles, or the *ex parte* decision of the case in consequence of the poverty or ignorance

of the weaker party, and will report the result. The Board are at liberty to make the Government a party to any such suit, but they should state in their pleading that they do so only with the above views, and not with any reference to the particular facts of the case.

6. In all future questions which may arise regarding this Talooqua, the Board will be guided by the general directions contained in my separate letter of this date.

No. 5.

The Sudder Board of Revenue, North Western Provinces, in publishing the following extract of an order of Government, are pleased to direct that, previous to submitting reports for the appropriation of Nuzzool land for building or other purposes, Commissioners of divisions will cause the lands to be carefully marked off, measured and mapped on a scale of 5 chains to the inch, or 16 inches to the mile; and that a map and statement of the land be sent up with each application, whether for sale or lease, stating the names of the occupant cultivators, if any, and how their claims have been disposed of. A copy of the deed of lease in the English language should also be submitted in all cases in which the lands are to be held lease-hold.

Agra, the 20th May, 1845.

Extract Paras. 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, *and* 16, *of Orders of Government, dated 25th April,* 1845 *No.* 1755.

2. The Government is the proprietor of those lands, and no valid title to them can be derived but from the Government.

3. The farmer was the assignee of the rights of the Government, on certain conditions, and for a limited time; so long as he observed those conditions and continued in possession of the farm, he was competent to authorize the occupation of the land in any way he judged proper. But all right derived only from him ceased immediately on the termination of the lease.

4. The cultivators, not being proprietors of the land, have only a right of occupancy, heritable, but not transferrible.* If they voluntarily vacate the land by admitting the occupation of another, the proprietor or his assignee has a right to enter upon the land, and make his own terms with the new occupant.

* See Section 9, Regulation VII. 1822, and Clause VII. Section XXXII. Regulation XXVIII. 1803.

5. The only way in which a permanently valid title to the land could have been acquired by intending occupants for building purposes, during the continuance of the farm, was from the Government. Having obtained a title from them, they would have had to satisfy, first, the temporary right of the farmer, and then the right of the cultivator, supposing there to have been an occupant cultivator.

8. In the case of leases from the farmer, the lease as granted by him may be confirmed.

9. In the case of leases from the cultivators the cultivator may be released from further demand on the part of Government, and new leases given by the Government for

the amount due to the State from the cultivator, but on condition that the lessee satisfy the cultivator for having given up his former right of occupancy.

10. The new leases will be given for the term of the settlement of the district at the expiration of which, the land will be liable to re-assessment at the rate then demandable by Government for similar land under cultivation.

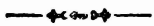
11. Persons wishing to acquire a perpetual rent-free title to the land are authorized to do so, on paying a sum equal to 33⅓ years' rent, which seems to have been paid in several instances.

13. The Board are requested most carefully to provide that the extent and boundaries of the property conveyed by the new leases be accurately defined. There is reason to fear that this has not hitherto been the case in land leased or sold by the local agents, especially by the side of roads. The facility that now exists for the formation of accurate surveys in all cases leaves no excuse for the neglect of this important precaution. A correct survey of every holding on a large scale should be prepared before the deed is finally executed.

14. In all cases of future applications for land, the Board will be careful that the above principles are understood and acted up to. There is no reason why the local agents, as the representatives of the Government, should not get the highest price they can for the land. When application is made for land, a fair rent, probably the rent fixed at the time of settlement, should be declared, and then the lease put up to public auction, and the land sold to the highest bidder, either lease-hold for the remainder of the settlement, or rent-free, permanently, as may be thought best.

15. If there be occupant cultivators on the land, the local agents will exercise their discretion in purchasing them out themselves, or in selling the lease subject to the satisfaction of those claims.

16. Leases for the term of settlement may be confirmed by the Board. Sales of land rent free should be reported to the Government for confirmation. In either case, the Board will charge themselves with providing that the course above determined be carefully followed out.



No. 6.

REVENUE.

Agra, the 20th June, 1845.

The following extract of a letter from the Sudder Board of Revenue, North Western Provinces, to the Commissioner of Benares Division of this date, respecting the Treasury Department of a Collector's Office, is published for general information.

Extract Paras. 1 *to* 5, *of a Letter from Secretary Sudder Board of Revenue, North Western Provinces, to Commissioner of Benares, dated 20th June,* 1845.

1. I am directed by the Sudder Board of Revenue, North Western Provinces, to acknowledge the receipt of your letter, No. 160, with its enclosures, and in reply to

observe, that the position of a Sudder Treasurer and the Treasury officials of a district is one of mutual dependence on each other, and on the Government which employs them.

2. The Government assigns to each officer in the department distinct duties and fixed salaries, but allows the Sudder Treasurer to appoint the officers so employed, because, as security, he is responsible to Government for their Acts, and bound to make good any deficiency in the district treasuries caused by their want of care or dishonesty.

3. Generally, a Sudder Treasurer has no duty to perform, neither does he receive any pay. But whether employed himself or not, it cannot be expected that he will become security for the several persons in executive charge of the district treasuries, unless he is allowed to reap some advantage for himself.

4. The consideration, whatever it may be, that is paid on such occasions, is adjusted by the parties themselves, and as they may be supposed to settle the point to their own satisfaction, no interference is required, or should be allowed.

5. A Collector will only pay the salaries of the Tehveeldars, and other Treasury officers on their receipts, and so long as these receipts are given he has no occasion to enquire into what passes between the Sudder Treasurer and them. If they cannot adjust matters between themselves, the Sudder Treasurer will exercise his power of discharge and renomination. If he cannot provide for the honest and efficient management of the Mofussil as well as the Sudder Treasuries, he is unfit for his situation, and should not be retained in it.

No. 7.

The 24th June, 1845.

References having at different times been made to the Sudder Board, respecting the period within which it is lawful to sue out execution of decrees in summary suits, I am desired to request that the same rules may be observed in such cases as are laid down respecting decrees in regular suits by the Sudder Dewanny Adawlut in their Orders, No. 1978, dated 14th October, 1843, which appeared in the Agra Gazette of the 31st October, 1843.

2. The decree-holder has the option of bringing on his case again by petition, but the costs of such revival are not to be charged against the defendants, or those cast in the previous suit, but to be paid by the decree-holder.

No. 8.

The 27th June, 1845.

The following rule respecting dismissal of putwarrees is published by the Sudder Board of Revenue, North Western Provinces, for the information and guidance of Commissioners and Collectors of Revenue.

"An appeal from an order of a Collector regarding the dismissal of putwarrees, lies in all cases to the Commissioner of the Division, but the sanction of a Commissioner need only be previously applied for, when, without complaint on the part of the Zumeendar, a Collector, of his own act, think fit to dismiss a putwarree from office."

No. 9.

Agra, the 18th July, 1845.

The Sudder Board of Revenue, North Western Provinces, direct that an additional statement, of the form given in the margin,* may be furnished by local officers, on the occasion of sending application for remissions and compensation for lands taken for public purposes.

No.	Name of Village.	Amount of remission and compensation for which sanction, is required.				
	Total	Year.	Year.	Year.	Year	Year to end of settlement.

No. 10 OF 1845.

The Sudder Board of Revenue, North Western Provinces, notify, for the information and guidance of Officers in the Revenue Department, North Western Provinces, that in conformity with an order of Government, dated 16th August, No. 3511, of 1845, life pensions intended for the support of Ex-Maafeedars, not exceeding Rupees 12 per annum, shall be commuted for a present consolidated payment calculated according to the scale inserted in the margin.*

* *Value of a life Annuity of one Rupee per Annum.*

AGE.			VALUE.
Under		10	13 Rupees.
10	to	20	12½
20	to	25	12
25	to	30	11½
30	to	35	11
35	to	40	10½
40	to	45	10
45	to	50	9½
50	to	55	9
55	to	60	8
60	to	65	7
65	to	70	6
above		70	5

Agra, the 2nd September, 1845.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1845.

CUSTOMS.

Dated Agra, the 25*th April,* 1845.

In continuation of the Notification published in the *Agra Government Gazette* of the 30th January 1844, No. 5, the annexed extract is published for the information of officers in the revenue department, who will be pleased, when forming their indents for supplies of opium, to take into consideration how far the reduction in price may require provision to be made for an increased consumption.

Extract from a despatch, No. 10, *from the Hon'ble the Court of Directors in the separate Revenue Department, dated the* 27*th November,* 1844.

9 to 11. The retail price of opium in the N. W. P. fixed at Rs. 10 per seer.

Para. 32d. We approve of the reduction of the cost of opium in the North Western Provinces, as there appeared strong reason for believing that the very high price formerly charged led the consumers of the drug to have recourse for their supply to illicit sources.

Agra, the 11*th May,* 1845.

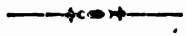
CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1845.

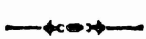


No. 186.

To all Officers in charge of Civil Treasuries in the N. W. Provinces.

With reference to the concluding paragraph of Mr. Accountant Grant's Circular No. 180, dated 7th January last, I have the honor to request that you will make the drafts, therein authorized to be granted to the Inspector of Jails North Western Provinces, upon other treasuries to the extent of his monthly salary, payable at sight.

Agra, the 18*th March,* 1845.



No. 187. A.

To all Officers in charge of Revenue and Political Treasuries in the N. W. Provinces.

I have the honor to append a memorandum of revised rates of discount at which you are hereby empowered to raise money by supply drafts upon the General Treasury in Calcutta, and upon the treasuries indicated therein of the North Western Provinces, for Company's Rupees 500 and upwards and at 10 days' sight.

2. You are also authorized to comply with the applications of all parties for drafts upon the same treasuries for sums above 500 and under 5,000 rupees without discount, or at par and at 15 days' sight.

3. The usance above stated may be changed to 3 days when you shall have clearly ascertained from the officer to be drawn upon, that his treasury is in ample funds to meet your drafts.

4. When bills for 50,000 rupees and upwards are applied for by individual parties upon a single treasury, you will be pleased to refer the application to this office for special instructions.

5. You will see the necessity of communicating constantly with the officers in charge of treasuries in the North Western Provinces, opened to your negotiation in order to keep yourself informed of their ability or otherwise to meet your drafts. In your communications you will of course state the probable extent to which you may have occasion to draw upon them respectively to enable them with reference to their resources to state their capabilities in reply.

6. I beg further, that you will punctually keep this office informed of your bill negotiations under the present instructions of rupees 500 and upwards by weekly advices.

Agra, the 7th April, 1845.

P. S.—You will be good enough to bear in mind that the rates of discount now given are the maximum rates, and that it will be your duty to negotiate your bills on better terms for Government whenever practicable.

No. 190.

To all Officers in charge of Civil Treasuries in the North Western Provinces.

The Government of India having been pleased in the Military Department, under date the 16th ultimo, to authorize the establishment of a military chest at Nowgong, under charge of the station staff with the power of issuing remittance drafts, I have to request, that you will honor all drafts which the officer in charge of the chest may draw upon your treasury, debiting their amounts in your treasury accounts under "By Bills payable of the Military Department" subordinate to the "Bengal Presidency."

Agra, the 2nd June, 1845.

No. 191.

To all Officers in charge of Civil Treasuries in the North Western Provinces.

I have the honor to authorize you to grant bills on the public service upon the Superintendent at Jaloun when cash is tendered for that purpose by the Post-master, Judge, or Magistrate of your district, and by Executive and Commissariat Officers, desirous of making remittances to that place or its vicinity, in the performance of their official duties; and also, to issue bills on that officer on account of Military Officers' and sepoys' family remittances when they are unable to obtain them from the Pay-Master in whose circle of payments their corps may be included, by reason of the absence or distance of the Pay-master from their locality.

2. The present instructions are to be considered as cancelling the prohibition conveyed in the 2nd paragraph of Mr. Accountant Grant's Circular letter No. 157, dated the 16th December, 1843.

Agra, the 21st June, 1845.

No. 192.

To all Officers in charge of Civil Treasuries in the North Western Provinces.

I have the honor to state for your information and guidance, that, (as appears from a communication received from the Accountant General in the Military Department, dated the 24th ultimo), the Government of India in the Military Department, under date 29th July, 1840, decided, that the indulgence granted to native officers and sepoys by Government Orders of 10th April, 1810, of obtaining bills on public treasuries at par, does not extend to camp-followers or persons attached to regimental or sudder bazars.

2. The Accountant General is of opinion, that native doctors being attached to the staff of regiments are of course entitled to the indulgence of bills upon mofussil treasuries.

Agra, the 12th July, 1845.

No. 193.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Measures having been taken to place on an efficient footing the civil treasuries at Loodhiana and Ferozpoor, I have the honor to inform you that you are now authorized to comply with requisitions for bills of exchange upon those treasuries, when made by parties entitled to such accommodation, under the prescribed rules.

2nd. You will be pleased to honor such drafts as may be drawn by the Deputy Collectors appointed to the charge of those treasuries under the prescribed rules, or under special instructions issued from this office, which will always be cited in the body of their bills.

3rd. All cash or bill transactions from those officers, you will be good enough to exhibit, in your treasury accounts, under the head "To and by Bills payable of the Revenue Department," subordinate to the North Western Provinces.

Agra, the 18th September, 1845.

No. 194.

To all the Post Masters in the North Western Provinces.

I have the honor to annex, for your information and guidance, copy of instructions this day addressed by me to the Post-masters at Loodhiana and Ferozpoor, consequently on the re-establishment of the civil treasuries at those stations, and in cancellation of Mr. Accountant Grant's instructions, of the 17th April, 1843, a copy of which was transmitted to you with that officer's circular letter, No. 138, of the 27th idem, which is hereby cancelled.

Agra, the 20th September, 1845.

No. 83 84.

To the Post-masters at Loodhiana and Ferozpoor.

The civil treasury at Loodhiana, Ferozpoor, having been re-established on an efficient footing, I have to request that you will hereafter pay over your collections to the Deputy Collector appointed to the charge of that treasury, upon his receipts, and draw from him upon your own receipts such sums as you may require for your disbursements.

2. As remittance drafts from other Post-masters on account of dak travellers or dak bearers can now be obtained upon the Deputy Collector of Loodhiana, Ferozpoor, the system of remittance by Post-masters' receipts which was prescribed in the 2d para. of Mr. Accountant Grant's letter of the 17th April, 1843, must now be discontinued as no longer necessary. The instructions conveyed in that letter are hereby cancelled.

Agra, the 20th September, 1845.

No. 195.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will promptly pay to the Right Honorable the Governor General of India, such sums as His Excellency may require from your treasury, on his private account, during his presence in the North Western Provinces, on your being furnished with His Excellency's cheques for corresponding amounts upon the Bank of Bengal, in favor of the Sub-treasurer at Fort William.

2. After payment you will be pleased to forward His Excellency's cheques to the Sub-treasurer at the Presidency for realization on due date, with a request to furnish you in return with a receipt for their amount, to enable you to adjust the advances, (intermediately held in your inefficient balance) in your accounts, as a cash remittance from your treasury to that officer.

3. You are further requested to cash all bills for establishment, salaries and contingent charges which may be presented to you duly signed by the Secretaries in attendance on the Governor General, adopting, for the subsequent adjustment of their amounts in your accounts, the course pointed out in the 2d and 3d paras. of the Officiating Accountant's Circular instructions of the 26th September 1842, No. 125.

Agra, the 26th September, 1845.

No. 196.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to Mr. Officiating Accountant Morland's circular, No. 78, dated 4th September, 1839, I have the honor to circulate for your information and guidance,

the accompanying revised list of the revenue treasuries at present under the Bengal Government, which have authority to issue and to discharge bills of exchange on account of the public service, and under the prescribed rules, together with a list of the political treasuries under the Supreme Government.

2. You will be good enough to exhibit all your bill transactions with the first-mentioned treasuries, in your treasury accounts, under bills payable of the Revenue Department, and those with the last-mentioned treasuries, under bills payable of the Political Department, both subordinate to the Bengal Presidency.

Agra, the 29th September, 1845.

No. 197.

To all Officers in charge of Revenue Treasuries in the North Western Provinces.

With a view to secure the proper annual adjustment of the tulubana accounts prescribed in Section 3, of the Sudder Board of Revenue's printed Circular, No. 2, dated 3d January, 1840, I have the honor to request, that you will in future append to your monthly Hal Towjeeh accounts an abstract in the annexed form, of the demands, collections and balances, with the expenditure of the tulubana of your district.

2. The form is a simple and clear one, and will not involve any considerable labor in its preparation, as the monthly returns from the tuhseels prescribed in the circular above cited and your own records will readily afford the means of filling in the necessary particulars required for the several columns.

3. The monthly surplus collections will, as is customary, be credited in your treasury accounts under the head of deposits: but the accumulations or surplus of tulubana standing on your accounts at the end of each official year, must be transferred to the credit of Government under profit and loss, while the outstanding or uncollected balances, less such sums as may have been remitted or deemed irrecoverable, must be carried on to the next year's accounts.

The 30th September, 1845.

Abstract Statement of Demands, Collections, and Balances, and of the Expenditure on account of Tulubana in the District of for the month of 184 .

Number of Dustucks issued in this month	Demands.			Amount collected in this month	Balance outstanding at the end of the month	Expended in this month in wages of Peons &c.	Amount remitted on account of outstanding balance.	Remarks.
	Amount of Tulubana	Balance of Tulubana outstanding up to end of last month	Total.					

1

No. 198.

To all Judges in the North Western Provinces.

Having been ordered by Government to issue a Circular Order for the guidance of judicial and revenue officers which shall as far as possible prevent any embezzlement by treasurers of public money, more particularly judicial deposits, I have the honor to request your attention to the following rules.

2. All sums paid into court and not immediately paid away again should be shewn in the deposit accounts; they may ordinarily be said to consist of the following descriptions.

I. Payments into court on account of decrees.

II. Ditto for the redemption of mortgages.

III. Ditto as security for costs in appeal suits.

IV. Ditto on account of Vakeels' fees.

V. Assets of deceased persons held in charge of the court in consequence of the individual having died intestate or from any other reason, when the same consists of specie.

VI. Specie treasure found buried.

VII. Fees of ameens executing processes of court.

VIII. Balance of subsistence money on the release of prisoners.

IX. Value of stamp duty paid into court when the proper stamps are not procurable.

X. Fines when ordered to remain in deposit pending appeal or till transferred to the statement of fines.

XI. Salaries unpaid up to the last day of the month in which they are due on account of the absence on leave of the individual, or from any other cause.

3. Deposits of the description No. IV. have hitherto been exhibited and registered separately. This distinction will now cease; all such deposits are to be entered in the regular deposit account, and the balance outstanding on the 30th ultimo must be transferred in detail to the judicial deposit account, affixing fresh Nos. to them in the regular series, by debiting a corresponding amount under "By Vakeels' Fees" in your cash account for the current month. This will adjust the head of "Vakeels' Fees" and enable you to discontinue that head in future in your accounts.

4. No deposit is to be received at the sudder treasury without an order from the judge. The order in cases where the deposit is made by a subordinate Court (the Sudder Ameens for instance) would be merely formal: the object being to secure a record of every transaction in the Judge's roznamchah. It may be written on a petition from the nazir, on a proceeding from the subordinate court, or, on the misl, as the case may require.

5. The deposit accounts must be kept in three languages, Hindee, Vernacular and English, by three independent individuals, viz., the treasurer, nazir and head clerk, and the transactions of every day must be registered on that day:—no arrears should be permitted.

6. The paper on which the order for receiving the deposit is passed, must be taken as an invoice, with the money, to the treasurer, who after receiving the money, will affix his signature as a receipt to this invoice paper. It is then to be taken to the nazir, who after observing that the treasurer has signed it, will enter the transaction in his deposit register, and as proof of his having done so, will affix his signature to the paper, which will be made over to the roznamchah nuvees in regular course for the order to be abstracted. Both the roznamchah nuvees, and the mahafiz dufter are to be held responsible, that no order for the receipt of money be received by them which does not bear the signatures of the nazir and treasurer.

7. Receipts signed by the treasurer should, whenever practicable, be given to depositors; printed dakhillas may be indented for and used for this purpose.

8. No repayment ought to be ordered until reports shall have been obtained from the mahafiz dufter, or person in charge of the department, as to the right of the party applying for the refund, and from the nazir and treasurer as to the fact of the deposit being outstanding. These reports would be taken with the misl to the judicial authority who, after satisfying himself of the propriety of the repayment, will pass the order which must be followed by a warrant for payment. (There is no necessity for the order for repayment being countersigned by the Judge when issued by a Sudder Ameen or other competent authority). The treasury warrant is to be taken by the payee to the treasurer, who after taking the payee's receipt on the back of the warrant will keep it as his voucher.

9. Judicial deposits made by Moonsiffs into a Tuhseeldar's Treasury, and those made by Sudder Ameens into a Collector's Treasury at a station where no Judge resides, must be included and detailed in the Judge's deposit register;—and their effect on the cash balance must be exhibited in the Collector's accounts; to ensure these results, the following rules are laid down for strict observance.

10. At the close of every month the Judge and Collector must interchange receipts on account of judicial deposits: the former officer will give his receipts for the aggregate amount withdrawn from the Collector's or Tuhseeldar's treasury by a subordinate judicial authority, and the Collector will grant his receipts in duplicate for the aggregate sum received at his own treasury, and any of those subordinate to him, from a judicial authority. The Judge must in his cash accounts give the Collector credit for the amount of his own receipts under "To Collector of ————" and debit the Collector per contra for the amount of the latter's receipts, affording, under both heads, the dates of the receipts and giving a distinct entry for the amount of each separate receipt. The Collector must adopt a similar course for the adjustment of the receipts and charges on this account made in his own and the tuhseel accounts.

11. All outstanding amounts in the tuhseel accounts on the 30th ultimo, must first be entered in the Judge's register, and the Collector must grant his receipt to the Judge for the aggregate amount, and increase his cash balance by that sum if, as is gene-

rally the case, the amount have been hitherto excluded from the cash balance. Should such transactions, however, have erroneously been included in the Collector's *Revenue* deposits, a transfer must now be made, of the outstanding amounts, by the Collector debiting his own revenue deposit accounts with them, and furnishing the Judge with his receipt for the aggregate amount, and crediting the same to the Judge in his treasury account, at the same time supplying that officer with the necessary details of the accounts. The Judge will debit the Collector with the amount of the latter's receipt, and will bring it to credit in detail in his judicial deposit accounts.

12. The Judge should require from the Moonsiffs and Sudder Ameens subordinate to him, a copy or extract of their orders in every case of deposit or withdrawal from a revenue treasury or tuhseel; and on receipt of this copy, the transactions should be entered in his sudder registers. At the end of the month the entries will have to be checked by comparing them with the monthly deposit register extracts required by Circular Order, No. 82, dated 5th February 1833, from all Moonsiffs. Tuhseeldars and treasurers will, as at present, receive and act upon orders, as to the payment and receipt of deposits, direct from the subordinate judicial authorities; no change in that respect being intended to be made under the present instructions.

* Of the Sudder Dewanny Adawlut.

13. The Judge must credit in his cash account, and bring in detail upon the register of receipts of deposit of his court, all the items which form the deposits of each Moonsiff or Sudder Ameen at a revenue treasury; and debit per contra and enter upon his register of repayments of deposits, all the amounts withdrawn from a revenue treasury by a subordinate judicial officer, who must regularly send to the Judge the payee's receipts, which will be his vouchers for admitting the debits upon his register of repayments.

14. For purposes of check and easy reference, it will be necessary for the Judge to open three additional inner columns in his deposit register wherein he will insert and exhibit the particular Moonsiff, his series of numbers and dates of deposits, by which means the deposit transactions of the several Moonsiffs will be distinguished as well from the *bonâ fide* deposits of the Judge's own court, as from those of each other. It will be understood that every Moonsiff's deposits will bear two numbers in the Judge's registers, one the general one in the regular series of the Judge's register, the second, the particular one belonging to the transaction of that Moonsiff: the first number in references from this office will be alone mentioned, while the latter will be used by the Judge in his references to the Moonsiff.

Agra, the 16*th October*, 1845.

P. S. The accompanying forms of registers can be maintained in your office in the three languages, but in the extracts from those registers to be transmitted to this office with your monthly cash accounts, the columns for the signatures should be omitted; and foolscap paper used for the sake of uniformity in binding.

Register of Receipts on Account of Deposits in the adawlut of Zillah *for the month of* 184

Judge's General Series.		Subordinate Court's Series.			From whom received and on what account.		Amount of Deposit.			Signature of the Individuals paying the Deposit.	Signature of the Judge or other Judicial Officer to the receipt of the Deposit.
Date of Receipts.	No. of each Deposit.	Designation of Court.	Date of Receipt.	No. of each Deposit.			Co.'s Rs.	A.	P.		
1845 Oct. 1st	506	.....	.....	.....	Ghaseeram, defdt.,	Acct. Costs,	120	0	0		
„ „	507	.....	.....	....	Luchmeepursad, plaintiff, . .	„ Decree,	56	0	0		
„ 2	508	.....	.....	....	Piransookh, &c., securities, .	„ Secty.,	60	0	0		
„ „	509	.....	.....	...	Gungapersaud, &c., Mohurers, .	„ Fees of Ameen,	25	6	0		
„ „	510	.....	.....	...	Munuram plaintiff,	Diet money,	3	0	0		
„ 3	511	.....	.....	....	Gungaram, Illicit, Vender, .	Acct. Fine,	2	0	0		
„ 3	512	.....	.....	....	Estate of A. B. deceased, ...	„ Intestate property,	1180	0	0		
„ 3	513	Moonsiff of D., ...	Oct. 1st	306	Cheitram, defdt.,	„ Decree,	28	8	0		
„ „	514	do.	„ „	307	Hoolasse, defdt.,	„ Costs, ..	14	0	0		
„ „	515	do.	„ „	308	Thundeemul plaint.	„ Costs, ..	21	0	0		
„ „	516	do.	„ „	309	Peer Mahomud, defendant, ...	„ Fine, ..	1	0	0		
„ „	517	Sudr. A. of F., . ..	Oct. 1st	76	Hosyn Ullee plaint.	„ Costs, ..	120	0	0		
„ 4	518	.....	.....	.....	Emamooddeen security, ...	„ Security,	160	0	0		
„ „	519	.....	.....	.....	Sookhram Vukeel,	„ Fine, ..	10	0	0		
„ „	520	.....	.....	.....	Salikram, defendant, ...	„ Decree,	16	0	0		

Register of Repayments on account of Deposits in the Adawlut of Zillah *for the month of* 184.

Judge's General Series.		Subordinate Court's Series.			Particulars of authority for the Repayment.	Amount Repaid.			Signature of the Individual receiving the Repayment.	Signature of the Judge or other Judicial Officer to the Repayment.
Date of Repayment.	No. of the Deposit repaid.	Designation of Court.	Date of Repayment.	Number of the Deposit repaid.		Co.'s Rs.	A.	P.		
1845.										
Oct. 1st	710, March, 1845	.....	.....	.....	P. S. Ameen in full, ...	 71	0	0		
„ „	4, May, 1845,	.....	.....	.....	Judge, Do.,	 44	0	0		
„ „	6, Do., 1845,	.....	.....	.....	Ditto, Do.,	 15	0	0		
„ 2d	411, Dec., 1845,	.....	.....	.....	Ditto, in part,	 10	8	0		
„ „	379, Oct., 1845,	.....	.....	.....	Princl. Sudder Ameen Do.	 14	14	0		
„ „	491, Dec., 1845,	.....	.....	.....	Ditto, in full,	 21	0	0		
„ 3rd	76, May, 1845,	Moonsiff at do.	October 1st 1845,	47. May, 1845.	Moonsiff, in part	 40	0	0		
„ „	719, Feby., 1845,	Ditto,	„ „	404. Feby., 1845,	Ditto, in full,	 16	4	0		
„ „	516, Dec., 1844,	Ditto,	„ „	291. Dec., 1845,	Ditto, in part,	 18	9	0		
„ „	92, June, 1845,	S. Ameen at	„ 1st,	84. June, 1845,	S. A. in part,	 76	0	0		
„ 4th	507, Oct., 1845,	.....	.....	.....	Judge in full,	 56	0	0		

No. 199.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to annex, for your information and guidance, copy of a circular this day issued to all the Judges in the North Western Provinces, and to request your particular attention to paragraphs 9, 10, 11 and 12, as to the *modus operandi* of carrying out the instructions conveyed in the circular of the Sudder Board of Revenue, No. 4, paragraphs 99 and 100, and exhibiting deposits, receipts and repayments at revenue treasuries from judicial officers.

2. Very few, if any, revenue officers have hitherto shewn, in their cash balance, the balance of judicial deposits lying in their tuhseeldaree treasuries. This is an erroneous practice, which must be at once discontinued; for the general cash balance should include all sums received, whether in the mofussil or sudder treasuries.

3. All the general principles inculcated in the circular to Judges are applicable to Collectors, and must be carried out. All sums paid into the treasury and not immediately paid away again, must appear in the public accounts. Any of the descriptions mentioned in the 2nd paragraph of the circular to the Judges which may occur in your office, are, equally with other payments, to be included among revenue deposits. These are so very various that no attempt has been made to classify them, but the general rule is clear—*all* must be brought to credit.

4. In the receipt of revenue deposits the rules laid down in paragraphs 4, 5, 6, and 8, of the accompanying circular, are *mutatis mutandis* to be followed. No money is to be received without an order which will eventually be abstracted into the Collector's roznamchah, the order having previously been taken to the treasurer and jumakhurch nuvees, or other person whose duty it may be to keep the deposit registers in the vernacular. The transactions of each day must be registered in the three languages on that day; no arrears are to be permitted. Receipts are, when practicable, to be given to the depositors, and no payments or transfers are to be made without a separate warrant in favor of each payee, and on account of each district deposit; nor any payments be allowed to be made from the tuhseel treasuries by means of the treasurer's private assignments upon tuhseeldars.

Agra, the 16*th October*, 1845.

No. 202.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to Mr. Officiating Accountant Allen's circular of the 29th September last, No. 196, annexing a list of revenue and political treasuries under the Bengal Supreme Government, which have authority to issue and to discharge bills on account of the public service, I have the honor to acquaint you, that, although the treasuries, under charge of the officers noted in the margin, are included in the list in

Collector of 24 Pergunnahs—Deputy Collector of Calcutta.

question, you are not authorized to issue bills upon them. All bills required by parties, entitled to them, payable at the presidency, must as heretofore be issued upon the Sub-treasurer at Fort William.

Agra, the 17th November, 1845.

No. 203.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request that you will, for purposes of check, invariably insert the dates of the receipts of the Superintendent of Stamps for the value of soiled stamp papers returned to that officer, on occasions of shewing such value as a deduction in the memorandum of stamps in store appended to your monthly treasury accounts; and, to transmit a copy of such receipts in support of such deductions.

2. I take this opportunity of indicating for your guidance that all recoveries in pauper* cases on account of stamp duty should be credited to the head, "To Superintendent of Stamps;" and that all charges connected with such recoveries, as also all expences incurred for the conveyance of stamps, should be debited to the same head per contra.

* Vide printed circular of the Sudder Board of Revenue, dated 4th May, 1841, addressed to Commissioners, paragraphs 254 to 260.

Agra, the 27th November, 1845.

No. 204.

To all Officers in charge of Political and Revenue Treasuries in the North Western Provinces.

Government having been pleased to authorize the establishment of a separate treasury at Kythul with power to grant bills and perform all other duties of a treasury, I have the honor to inform you, that you are authorized to comply with applications for bills of exchange upon the Kythul treasury, when made by parties entitled to such accommodation, under the prescribed rules.

2. You will be pleased to honor such drafts as may be drawn by the Deputy Collector of Kythul, under the prescribed rules, or under special instructions issued from this office, which will always be cited in the body of his bills.

3. All cash or bill transactions with that officer, you will be good enough to exhibit in your treasury accounts under the head "To and By bills payable of the Revenue Department," subordinate to the North Western Provinces.

Agra, the 28th November, 1845.

No. 205.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

It having been represented to this office by the Military Accountant at Bombay, that with a view to prevent confusion in the public accounts, he has prohibited all direct references from Pay-masters of corps and divisions being made to the Collectors in the North Western Provinces, regarding sepoys' remittances made from that presidency: I have the honor to request, that you will also withhold all direct communication with Commanding Officers of regiments, under the Bombay presidency, on the subject of the cancellation of such remittances, but direct the parties making such communications, to apply to the Military Accountant at Bombay, through their divisional Pay-master.

Agra, the 18*th December,* 1845.

No. 207.

To all Officers in charge of Revenue Treasuries in the Agra Divisions.

Allahabad division.
Benares division.
Rohilkund division.
Meerut division.
Delhi division.
Kumaon division.
Ajmere division.

With reference to the Government Notification in the General Department, dated 1st instant, authorizing the general establishment of district dawks; and with special reference to the 3rd paragraph thereof; I have the honor to request, that you will open a head of "district dawks" subordinate to that of "Revenue Deposits" in your monthly treasury accounts, and exhibit under it, all receipts and disbursements connected therewith; and to append to the account a memorandum shewing the monthly surplus, adopting, in regard to the district dawks, precisely the same mode of exhibition in your accounts as that prescribed for the one per cent. road fund.

2. The proper voucher to support charges made under this subordinate head will be a detailed statement in English attested by you.

3. If district dawks already exist in your district, and if there by any surplus funds appertaining to them either in your revenue or fouzdaree treasury, or be made over to you by the Post master of your district: you will be pleased to bring the same to account in the manner above indicated, giving effect to the present instructions from the 1st proximo.

Agra, the 13*th April,* 1846.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1845.

FROM T. K. LOYD, ESQUIRE,
Civil Auditor.

To all Judicial, Revenue, Customs, and Political Officers, also Post Masters, &c.

In obedience to the orders of His Honor the Lieutenant Governor communicated in a letter to my address from Mr. Secretary Thornton, dated the 8th instant, I have the honor to forward for your information and guidance extract paragraphs 2 and 3 of a despatch from the Hon'ble the Court of Directors, dated the 6th November, 1844, and to enable me to meet the requisition therein contained, of compiling an uncovenanted civil list, request you will be good enough to furnish this office, as soon after the 1st May next as practicable, with separate lists correctly drawn out, agreeably to the annexed forms, containing the names and other particulars of all Europeans, East Indians, and natives attached to your office, in the employ of Government.

Agra, the 20th February, 1845.

Extract paras. 2 *and* 3 *of a despatch from the Honorable the Court of Directors, No.* 31 *of 6th November,* 1844.

Para. 2. In addition to this information we are desirous of knowing annually, the names, age, date and description of appointment, and of previous appointment, if any, and the number of years of residence in India of all uncovenanted servants in the employ of Government, with the total amount of each person's allowance, also of the like particulars in respect of names, age, length of service, and amount of allowances of the Sudder Ameens, Moonsiffs, Deputy Collectors and other native officers in the employ of Government.

3. We accordingly direct that lists separating the Europeans from the natives, containing the above information, with alphabetical indexes, be made up with the list of civil servants on the 1st May in each year, and transmitted to us.

List of uncovenanted Europeans and East Indians, employed in the office of

on the 1st May, 1845.

1	2	3	4	5	6	7
Name.	Age.	Date of appointment.	Description of appointment.	Salary.	Period of former service in Govt. employ.	Period of residence in India.

List of Natives employed in the office of

on the 1st May, 1845.

1	2	3	4	5	6
Names.	Age.	Date of appointment.	Description of appointment.	Salary.	Period of former service in Govt. employ.

(True Copies).

Civil Auditor.

NOTE.—Names of all servants, such as Jemadars, Duffadars, Sowars, Burkundazes, Peons, Chupprassies, Coolies, &c. to be omitted.

Agra, the 20th March, 1845.

The practice of allowing re-audits in separate bills, for items retrenched from monthly abstracts for want of certificates and authorities of absence, which ought invariably to accompany the same, having become frequent and general, the Civil Auditor, North Western Provinces, deems it necessary to put a stop to such a course for the future, and requests that all officers submitting their monthly abstracts for audit, will furnish the necessary certificates of assuming, delivering over, and resuming charge of appointments, as also explanation for any changes in the establishment, otherwise they will be detained in the office pending the receipt of the required documents.

Home Department

ACTS AND ORDERS

FOR THE

GOV^T OF INDIA
LIBRARY

North Western Provinces.

FOR THE YEAR

1846.

RE-PUBLISHED FROM THE AGRA GOVERNMENT GAZETTE,

BY ORDER OF THE HONORABLE

The Lieutenant Governor,

N. W. P.

AGRA:

W. H. HAYCOCK, SECUNDRA ORPHAN PRESS.

1848.

ERRATA.

In Page 16 of the Volume for 1844—Orders of Government—Notification regarding Moonsiffs, *without date*, read 31*st January*, 1844.

In the same Page—Notification regarding Arms, &c., *without date*, read 3*d February*, 1844.

In Page 34 of the Volume for 1844—Sudder Court's Circular, No. 542, *without date*, read 12*th April*, 1844.

In Page 59 of the Volume for 1845—Sudder Court's Circular, No. 1131, for 2*d July*, 1846, read 2*d July*, 1845.

In Page 58 of the Volume for 1846—Sudder Court's Circular, No. 1032, for 24*th Apr* , 1846, read 17*th July*, 1846.

In Page 68 of the Volume for 1846—Sudder Court's Circular, No 936, dated 10th July, 1846, third line, for *No.* 8, read *No.* 766.

Read the following Notification and Memoranda as annexures to Accountant's Circular, No. 187 *A, dated* 7*th April* 1845—*Page* 94, *Volume for* 1845

NOTIFICATION OF THE ACCOUNTANT'S OFFICE, N. W. PROVINCES.

Agra, the 7*th April*, 1845.

The following Memoranda of Rates at which Public Drafts are authorized to be granted by certain Treasuries in the N. W. Provinces upon other Treasuries, and upon the General Treasury at Fort William, is published for general information. The Drafts will be issued for Co.'s Rs. 5,000 and upwards, and at 10 days' sight at the discounts indicated; but Drafts for sums under Rs. 5000 and not below Rs. 500 will be issued at 15 days' sight and at par or without discount. All parties may obtain Bills on these terms, except the Military Bills which are regulated by special rules of Government.

The Public are further informed, that the Officers in charge of the Treasuries at Agra, Ajmere, Allahabad, Bareilly, Benares, Cawnpore, Delhie, Deyra Dhoon, Furruckabad, Ghazepore, Gwalior, Lucknow, Meerut, Mirzapore, Mooradabad, Muttra, and Umballa are also empowered to receive Tenders of Cash for, and to grant Bills at par, on the Collector of Patna.

(Signed) C. ALLEN,

Offg. Accountant, N. W. P.

Memoranda of Rates at which Drafts are granted by certain Treasuries in the North Western Provinces upon other Treasuries, and upon the General Treasury at Fort William.

Upon	By Ferozepore.			By Loodiana and Soobathoo.			By Amballah and Deyra Dhoon			By Delhie and Meerut			By Agra and Gwalior.			By Allyghur, Bolundshuhur, Furruckabad and Muttra.			By Lucknow.			By Bareilly, Cawnpore, Muradabad, and Shajehanpore.		
		per Ct.			per Ct			per Ct.			per Ct			per Ct.			per Ct.			per Ct.			per Ct.	
		Rs.	A		Rs.	A		Rs.	A		Rs.	A.		Rs.	A.		Rs.	A		Rs.	A.		Rs.	A.
Calcutta, ...	dist.	1	4	dist.	1	2	dist.	1	0	dist.	0	14	dist	0	12	dist.	0	10	dist.	0	9	dist	0	8
Agra,...	do.	0	4	do.	0	2	do	0	2	atpar			atpar											
Allahabad, ...	do.	1	0	do.	0	14	do.	0	12	dist.	0	10	dist.	0	8	dist.	0	6	dist.	0	5	dist	0	4
Allyghur, ...	do.	0	8	do.	0	6	do.	0	4	do	0	2	atpar											
Amballah, ...	do.	0	4	do	0	2	do.	0	0															
Azimghur, ...	do.	1	0	do.	0	14	do.	0	12	do.	0	10	dist	0	8	dist.	0	6	dist	0	5	dist.	0	4
Banda, ...	do.	0	10	do.	0	8	do	0	6	do	0	4	do.	0	2	do.	0	2	atpar			atpar		
Bareilly, ...	do.	0	8	do.	0	6	do.	0	4	do.	0	2	atpar			atpar			atpar					
Benares, ...	do.	1	0	do.	0	14	do.	0	12	do.	0	0	dist.	0	8	dist.	0	6	dist.	0	5	dist.	0	4
Boolundshuhur, ...	do.	0	8	do.	0	6	do	0	4	do.	0	2												
Budaon, ...	do.	0	8	do.	0	6	do.	0	4	do.	0	2	atpar			atpar			atpar					
Cawnpore, ...	do.	0	10	do	0	8	do.	0	6	do	0	4	dist.	0	4	dist.	0	2	dist	0	1			
Delhie.	do.	0	4	do	0	2	do.	0	2															
Etawah, ...	do.	0	10	do.	0	8	do.	0	6	do.	0	4	dist.	0	2	dist.	0	2						
Furruckabad, ...	do.	0	8	do.	0	6	do.	0	4	atpar									atpar					
Futtehpore, ...	do.	0	14	do.	0	12	do	0	10	dist.	0	8	dist	0	6	dist.	0	4	dist.	0	2	dist	0	2
Ghazepore, ...	do.	1	0	do.	0	14	do.	0	12	do.	0	10	do.	0	8	do.	0	6	do.	0	5	do.	0	4
Goruckpore, ...	do.	1	0	do.	0	14	do.	0	12	do.	0	10	do.	0	8	do.	0	6	do.	0	4	do.	0	4
Goorgaon, ...	do.	0	8	do.	0	6	do.	0	4	do.	0	2												
Hissar, ...	do.	0	4	do.	0	2	do.	0	2	do.														
Humeerpoor, ...	do.	0	10	do	0	8	do	0	6	do.	0	4	dist.	0	2	dist.	0	2				atpar		
Juanpoor, ...	do.	1	0	do	0	14	do.	0	12	do.	0	10	do.	0	8	do.	0	6	dist.	0	4	dist.	0	4
Meerut, ...	do.	0	4	do.	0	2	do.	0	2															
Mirzapore, ...	do.	1	0	do	0	14	do.	0	12	dist.	0	10	dist.	0	8	dist.	0	6	dist.	0	5	dist.	0	4
Moradabad, ...	do.	0	8	do	0	6	do.	0	4	do.	0	2	atpar											
Moozuffernuggur, ...	do.	0	8	do	0	6	do.	0	4															
Muttra, ...	do.	0	6	do	0	4	do.	0	4	dist.	0	2	atpar											
Myupoorie, ...	do.	0	10	do.	0	8	do.	0	6	do.	0	4	dist	0	2	dist.	0	2						
Paneeput	do.	0	6	do	0	4	do.	0	2	atpar														
Rhotuck, ...	do.	0	6	do	0	4	do.	0	2	atpar														
Sangor, ...	do.	0	2	do.	0	2	do.	0	0															
Shajehanpore, ...	do.	0	0	do.	0	4	do.	0	2	atpar						atpar			dist.	0	2			
Suharunpore, ...	do.	0	6	do.	0	4	do,	0	2															
Jubbulpore, ...	do.	0	2	do.	0	2	do.	0	2															

(Signed) C. ALLEN,
Officiating Accountant, N. W. P.

Read the following Lists as accompaniments to Accountant's Circular, No. 196, dated 29th September, 1845—Page 98, Volume for 1845.

List of Revenue Treasuries of the Bengal Presidency.

Districts.	*Designation of Fiscal Officers.*	*Remarks.*
Arracan, (Akyab), ...	Senior Assistant Commissioner	
Aeng, ...	Ditto do. do.	
Backergunge, ...	Collector.	
Beerbhoom, ...	Deputy Collector.	
Burdwan, ...	Collector.	
Burdwan, West at Bancoorah,....	Deputy Collector.	
Bullooah, ...	Deputy Collector.	
Bograh, ...	Ditto ditto,	
Bhaugulpoor, ...	Collector.	
Behar, ...	Ditto.	
Cachar, ...	Superintendent.	
Calcutta, ...	Deputy Collector.	
Chittagong, ...	Collector.	
Cuttack, C. D., ...	Ditto.	
Cuttack, N. D., ...	Ditto.	
Cuttack, S. D., ...	Ditto.	
Cosseah, Hills, ...	Political Agent.	
Dacca, ...	Collector.	
Dinagepoor, ...	Ditto.	
Duning, (U. C. Assam), ...	Ditto.	
Furreedpoor, ...	Deputy Collector.	
Goalparah, (N. E. Rungpoor), ..	Collector.	
Hoogly, ...	Ditto.	
Hazareebaugh, (Chotanagpoor),	Governor-General's Agent.	
Ditto Lohardugga Divis.	Principal Assist. Gov. Gen.'s A.	
Ditto Maunbhoom ditto,	Ditto ditto ditto.	
Ditto Hazareebaugh do.,	Ditto ditto ditto.	
Ditto *Singbhoom do.,	Ditto ditto ditto.	*Colehaun.
Jessore, ...	Collector.	
Jarehaut, ...	Ditto.	
Kamroop, ...	Ditto.	
Luckunpoor†	Ditto.	†Debroghur.
Maldah, ...	Deputy Collector.	
Moorshedabad, ...	Collector.	
Mymensing, ...	Ditto.	
Monghyr, ...	Ditto.	
Midnapoor, ...	Ditto.	
Nudea, ...	Ditto.	
Nowgong (S. C. Assam), ...	Ditto.	
Pubnah, ...	Deputy Collector.	

List of Revenue Treasuries of the Bengal Presidency.

Districts.	*Designation of Fiscal Officers.*	*Remarks.*
Purneah, ...	Collector.	
Patna, ...	Ditto.	
Rajshahye, ...	Ditto.	
Rungpoor, ...	Ditto.	
Ramree, ...	Senior Assist. Commissioner.	
Shahabad, ...	Collector.	
Sandoway, ...	Senior Assist. Commissioner.	
Sarun, ...	Collector.	
Sylhet, ...	Ditto.	
Tirhoot, ...	Ditto.	
Tipperah, ...	Ditto.	
24-Pergunnahs, ...	Ditto.	
TENASSERIM PROVINCES.		
Mergue, ...	Assist. Commissioner.	
Tavoy, ...	Ditto.	
Amherst, ...	Ditto.	

List of Political Treasuries under the Supreme Government, which negociate Bills.

Districts.	*Designation of Fiscal Officers.*	*Remarks.*
Lucknow Presidency, ...		
Khatmandoo ditto, ...		
Gwalior, ditto, ...		
Indore, ditto, ...		
Nagpore, ditto, ...		
Political Agent, ...	Bhopaul.	
Ditto, ...	Kotah.	
Ditto, ...	N. E. Frontier.	
Ditto, ...	Munipoor.	
Superintendent, ...	Darjeeling.	
Ditto, ..	Operations for the Suppression of Thuggee.	
General Treasury, ...	In Scinde, Hyderabad.	

Fort William,
Accountt. General's Office,
Revenue Dept.,
The 13th Sept., 1845.

(Signed) C. MORLEY,
Accountant General.

(True Copy),
(Signed) C. ALLEN,
Offg. Accountant, N. W. P.

Read the following "Rules" as annexure to Accountant's Circular, No. 215, dated 7th December, 1846, Page 88, Volume for 1846.

RULES FOR THE CALCULATION OF ANTICIPATION INTEREST AND INTEREST GENERALLY

Interest to be paid by the month, each month to be taken as 1-12th of the year, and to consist of 30 days or parts.

In cases where it may be necessary to calculate interest on the fractional parts of a month of 31 days, the extra day to be struck out.

Application of above Rule to present five per cent. Loan of 1841-42, on which the half-yearly interest falls due on the 31st December and 30th June of each year.

A person subscribing on the 27th October 1846 will be entitled to anticipation interest from 27th October to 30th December 1846, inclusive, or for 2 months and 3 days, thus :—

From 27th October to 26th December, 1846, 2 months, or 2-12ths of a year.

From 27th December to 30th December, 3 days, or 3-30ths of 1-12th, (December, having 31 days, one day is omitted.)

A person subscribing to the Loan on the 29th of December will be entitled to only one day's anticipation interest; on the 30th he will not be entitled to any.

In the half-year ending with the 30th June there will be no deduction on this account, June having only 30 days.

(Signed) R. WALKER,

Dy. Accountt. Genl. to the Govt. of India.

(True Copy.)

(Signed) C. ALLEN,

Officiating Accountant, N. W. P.

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Local Officers to transmit contingent bills in duplicate for audit, including all charges in one bill, ...	16th July, 1846.	91
Joint Magistrates and Deputy Collectors of the 2nd grade not entitled to any deputation allowance, when officiating in the higher grade, the Rohtuck, Calpee, and Putialee officers excepted, ...	22nd July, 1846.	92

ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

Act No I. of 1846.

An Act for amending the law regarding the appointment and remuneration of Pleaders in the courts of the East India Company.

I. It is hereby enacted, that section 15, Regulation XXIII. 1814, clause seventh, section 2, clause eleventh, section 3, clause fourth, section 8, Regulation XXVI. 1814, clause third, section 3, section 7, clause first, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35, clause first, section 39, Regulation XXVII. 1814, clause second, section 10, Regulation XXVIII. 1814, section 9, Regulation XIX. 1817, section 6, Regulation XI. 1826, section 30, Regulation V. 1831, section 7, Regulation IX. 1831, section 11, Regulation VII. 1832, Regulation XII. 1833 of the Bengal Code, and Act No. XIII. of 1838, be repealed.

II. And it is hereby enacted, that clauses second and third, section 14, Regulation VI. 1816, section 7, clause first, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816, clause seventh, section 4, clause eleventh, section 5, clause fourth, section 8, Regulation XV. 1816, clause third, section 6, Regulation I. 1827, clause third, section 6, Regulation VII. 1827, section 5, Regulation VI. 1828, section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that clause third, section 47, clause second, section 48, section 55, Regulation II. 1827 of the Bombay Code; and so much of clause first, section 7, Regulation XXIX. 1827 of the same Code, as empowers the zillah Judges of the Deccan and Kandeish to examine pleaders and grant certificates of qualification to practise in their courts, be repealed.

IV. And it is hereby enacted, that the office of pleader in the courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a pleader in any of those courts unless he have obtained a

certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the office, any law or regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the rules in force in the said Sudder Courts applicable to pleaders, whether relating to the language in which the court is to be addressed or to any other matter.

VI. And it is hereby enacted, that section 25, Regulation XXVII. 1814, of the Bengal Code, section 25, Regulation XIV. 1816, of the Madras Code, and section 52, Regulation II. 1827 of the Bombay Code, shall cease to be enforced, excepting for the purpose specified in section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the vakalutnama; provided that when costs are awarded to a party in any regular suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of pleaders, shall be calculated according to the rules contained in the sections of Regulations specified in section 6, of this Act; and that when costs are awarded in other cases the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular suit.

IX. And it is hereby enacted, that so much of section 20, Regulation XXVII. 1814 of the Bengal Code, and of section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a pleader has rendered himself liable to a fine in the court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the zillah or city Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the rules applicable to pleaders in the courts of the zillah and city Judges, shall henceforth be applicable, so far as they are capable of application, to pleaders in the Moonsiffs' courts.

XII. And it is hereby enacted, that whenever a pleader has conducted himself in such a manner in the court of a Moonsiff, as would have rendered him liable to a fine if he had so conducted himself in the court of a zillah or city Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders

imposing such fines shall lie to the zillah or city Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to vakeels, who may be employed in the courts of the village Moonsiffs, or before the village or district punchyets, or before the Collectors of zillahs, under the provisions of Regulations IV. V. VII. and XII. 1816 of the Madras Code.

The 7th January, 1846.

ACT No. IV. OF 1846.

An Act for amending the law regarding the sale of land in execution of decrees in the territories subject to the presidency of Fort William in Bengal.

I. It is hereby enacted, that so much of sections 10 and 11, Regulation I. 1793, section 7, Regulation XXVII. 1795, sections 37 and 38, Regulation XXV. 1803, and sections 27 and 28, Regulation IX. 1805, as relates to the adjustment of the Government jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, sections 15 to 26, (both inclusive) Regulation XXVI. 1803, so much of sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and clauses second and third, section 4, Regulation VII. 1825, all of the Bengal Code, be repealed.

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend to any of the Regulations or parts of Regulations hereinbefore repealed, be also repealed.

III. And it is hereby enacted, that in the territories subject to the presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the courts of Civil Judicature, shall be made by such courts or under their directions, and that the rules now in force for the attachment and sale of such real property as the courts of Civil Judicature are now authorized to sell in satisfaction of decrees, without application to the revenue authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said rules, that in the said territories, except as aforesaid, whenever a holder of a decree of any court of Civil Judicature shall apply to such court for the sale in execution of any estate paying revenue to Government, or any portion of any such estate, he shall, at the time of making such application, file an authenticated extract from the Register of the Collector's office, specifying the jumma of such estate, which shall be inserted in the notification of sale.

V. And it is hereby enacted, in addition to the said rules, that in the said territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately either in cash, Bank of Bengal notes, or post bills, or Government securities duly endorsed, fifteen per cent. on the amount of his bid, and in default of such deposit such land or interest therein shall forthwith be put up again and sold, and if the purchaser having paid the deposit required shall neglect or refuse to pay the pur-

chase money, within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And it is hereby enacted, that in the North West Provinces of the territories subject to the presidency of Fort William in Bengal, attachments and sales of land or of any interest in land in satisfaction of the decrees or other process of the courts of Civil Judicature, shall (except in the case of land which the courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate officers under his directions, upon the requisition of such courts.

VII. And it is hereby enacted, that in the last mentioned provinces, every such requisition shall specify the number of the suit, the court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the schedule of the party applying for execution, to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned provinces the Collector shall issue a proclamation in the current language of the country, of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the proclamation is issued, and the said proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the jumma of the estate constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the cutcheries of the local Moonsiff, of the Collector, of the zillah or city Judge, and of the court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned provinces the provisions contained in section 5 of this Act shall be applicable to sales of land or any interest in land in execution of decrees of court or other judicial process.

X. And it is hereby enacted, that in the territories subject to the presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of court or other judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the territories subject to the presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained for the attachment and sale of property in satisfaction of decrees or other process of the courts of Civil Judicature, which rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And it is hereby enacted, that in the territories subject to the presidency of Fort William in Bengal, all applications which may have been made by the courts of Civil Judicature to the revenue authorities for the sale of land, or of any interest in land in satisfaction of decrees or other process of such courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Courts of Requests at Calcutta, or of any Court in the settlements in the Straits of Malacca.

The 7th January, 1846.

ACT No. VI. OF 1846.

An Act for the more convenient administration of the Government of the country called the Bhuttee Territory.

Whereas much inconvenience has resulted from maintaining as a part of the Delhi division, the large and thinly peopled tract of country called the Bhuttee territory, extending from the borders of the Hissar district to the Ghana or Sutlege:

I. It is hereby enacted, that from and after the first day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee territory, consisting of the following pergunnahs:

Durbah.	Goodah.
Sirsa.	Mullout.
Raneeah.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of civil and criminal justice, the superintendence of the police, and the collection and superintendence of the revenues of every description within the said territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the said Agent with the aid of such assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid, and of all the officers subordinate to his controul and authority, in all judicial and revenue proceedings, and to determine to what extent the decision of the Agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any criminal trials referred by the Agent under the rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper and in conformity with the prescribed rules.

The 5th December, 1846.

ACT No. VII. OF 1846.

An Act regarding the deposit of diet money for Witnesses in petty cases.

It is hereby enacted, in modification of clause 1, section 2, Regulation III. 1812, of the Bengal Code, that in the territories subject to the presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of diet money required for witnesses in petty cases, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

The 5th December, 1846.

ACT No. VIII. OF 1846.

An Act for determining the duration of the existing Settlement of the North Western Provinces.

Whereas the settlement of the several districts of the North Western Provinces has been made for different periods, and whereas from several causes the duration of the settlement as stated in the engagements of the malgoozars does not always agree with that sanctioned by the Government, and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place:

I. It is therefore hereby enacted, that the jumma of all villages included on 1st May 1846, within the limits of the districts in the said provinces noted below, shall be considered fixed till the date inserted opposite to each district, so far as regards the claim of the Government to any increase upon the jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

Paneeput, July 1st, 1872, one thousand eight hundred and seventy-two.
Hissar, July 1st, 1860, one thousand eight hundred and sixty.
Dehli, July 1st, 1870, one thousand eight hundred and seventy.
Rohtuck, July 1st, 1870, one thousand eight hundred and seventy.
Goorgaon, July 1st, 1872, one thousand eight hundred and seventy-two.
Seharunpoor, July 1st, 1857, one thousand eight hundred and fifty-seven.
Moozuffernugger, July 1st, 1861, one thousand eight hundred and sixty-one.
Meerut, July 1st, 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st, 1859, one thousand eight hundred and fifty-nine.
Allyghur, July 1st, 1868, one thousand eight hundred and sixty-eight.
Bijnour, July 1st, 1866, one thousand eight hundred and sixty-six.
Moradabad, July 1st, 1872, one thousand eight hundred and seventy-two.
Budaon, July 1st, 1866, one thousand eight hundred and sixty-six.
Bareilly, July 1st, 1867, one thousand eight hundred and sixty-seven.
Shajehanpore, July 1st, 1868, one thousand eight hundred and sixty-eight.
Muttra, July 1st, 1871, one thousand eight hundred and seventy-one.
Agra, July 1st, 1872, one thousand eight hundred and seventy-two.
Furruckabad, July 1st, 1865, one thousand eight hundred and sixty-five.
Mynpoory, July 1st, 1870, one thousand eight hundred and seventy.
Etawah, July 1st, 1871, one thousand eight hundred and seventy-one.
Cawnpore, July 1st, 1870, one thousand eight hundred and seventy.
Futtehpore, July 1st, 1870, one thousand eight hundred and seventy.
Humeerpore, July 1st, 1872, one thousand eight hundred and seventy-two.
Banda, July 1st, 1874, one thousand eight hundred and seventy-four.
Allahabad, July 1st, 1869, one thousand eight hundred and sixty-nine.
Goruckpore, July 1st, 1859, one thousand eight hundred and fifty-nine.
Azimgurh, July 1st, 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said provinces, mouzahs standing transferred on the above date of May 1st, 1846, from districts or pergunnahs not permanently settled, to districts or pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in section 1, shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement he shall be at liberty to do so, provided that he give notice thereof in open court and in writing to the Collector and to the Commissioner of the division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the malgoozar shall be held bound to pay the jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to section 1, and subsequently from year to year till the settlement be revised, or in perpetuity according to section 2.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial, towfeer or other land which was not assessed at the time of settlement.

The 5th December, 1846.

ACT No. X. OF 1846.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of section 9, Regulation VII. of 1799, section 9, Regulation V. of 1800, and clause 2, section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful for the distrainer to recover the value of the property distrained, together with the expenses of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

The 5th December, 1846.

ORDERS OF THE GOVERNMENT, N. W. P.

FOR 1846.

REVENUE DEPARTMENT.

The 3rd January, 1846.

With reference to the notifications of the 15th August, 1843, the 17th April, 1844, and the 28th December, 1844, on the subject of lands held by the covenanted servants of Government on farming speculations, the Honorable Lieutenant Governor is pleased to publish for general information, the following extracts from a despatch of the Honorable the Court of Directors, No. 7, of 1845, dated 23rd September, conveying their final instructions on the same subject.

Extracts.

"As a general rule, we confirm the prohibitory orders, to the full extent to which they were carried by your Government.

"As exceptions, however, to this general rule, when individuals may have, previously to July, 1844, become, under the sanction of the local Government, *bona fide* holders of lands not within the districts of their official employment, we leave to your discretion the granting of such degree of special indulgence as you may think proper to concede."

The 8th January, 1846.

With reference to the notification of Government, dated the 12th September, 1845, the several Magistrates who may forward convicts under those orders for transmission to the river stations and ultimately to the Allipore Jail, are directed to be careful to send with each such convict a descriptive roll, and also a copy of the warrant under which he is confined. These documents will accompany the prisoner, and be delivered with him to each Magistrate into whose charge he may be committed on the way. The Magistrates of Allahabad, Mirzapore, Benares and Ghazeepore, will abstain from forwarding any convict to Allipore, unless they have received the abovementioned paper regarding him.

The 15th January, 1846.

All officers in charge of police battalions, whether for a time or permanently, are invested with the powers of a Joint Magistrate, at the places where their corps may be stationed.

No. 414, B.

The 28th February, 1846.

1. The Government of India has always shown itself desirous to promote the convenience of the native officers and soldiers of the Indian Army, by undertaking to remit sums of money for them to their homes through the Collectors of revenue. Such an arrangement is not only a reasonable indulgence to a meritorious class of public servants, but it is also important, as a measure of policy, inasmuch as it removes the incentive to crime, which cash remittances, by the hands of individuals, were found to afford. The orders, noted in the margin, contain the measures adopted for the accomplishment of the desired purpose. Notwithstanding these orders, complaints are still made of want of punctuality on the part of Collectors in cashing the drafts, and sending the payee's receipt.

Circular Order of Accountant North Western Provinces, No. 179, dated December 20th 1844.

Notification, dated 30th May 1845, published in *Agra Government Gazette*, of 17th June 1845, page 194.

2. The attention of all Collectors of land revenue and of officers in charge of civil treasuries is now called anew to this subject. They are enjoined within a month after the descriptive roll of a payee has come to hand, either to forward the receipt for the money or to explain to the officer commanding the regiment to which the remitter belongs, the cause of delay.

3. The Commissioners of revenue in the several divisions are requested to charge themselves with seeing, that due provision has been made in the Collector's office for giving effect to these orders.

4. In the event of the commanding officer of a regiment, not receiving information from the Collector of the payment of the remittance, or a satisfactory explanation of its non-payment within the period of one month over and above the ordinary time occupied in sending a letter to the station where the Collector resides, and in receiving a reply, he may secure attention to the matter by sending to the Commissioner a copy of the descriptive roll of the payee, with a request that the delay may be remedied.

5. It will then be the duty of the Commissioner immediately to attend to such a requisition, and to expedite the completion of the transaction. In the event of his being of opinion that the delay is owing to the want of any due precaution, or the omission of any prescribed observance on the part either of the Collector, or the remitting officer, he will bring the circumstance to the Lieutenant Governor's notice by a letter addressed direct to this office.

REVENUE DEPARTMENT.

The 20th March, 1846.

It having been ruled by the Hon'ble the Court of Directors that no person in receipt of a pension from Government shall at the same time draw the full salary of any public appointment to which he may be nominated, the heads of all Government offices are hereby directed to be careful that this rule is observed. If the salary of any appointment which a pensioner may hold exceeds the amount of the pension, the excess alone is to be drawn by the incumbent. If there should be no excess, the pensioner is not to be considered entitled to any extra remuneration on account of the office, to which he may stand appointed.

JUDICIAL DEPARTMENT.

The 30th March, 1846.

The several Magistrates in the North Western Provinces, are prohibited from entertaining substitutes for sick or absent men of the police battalions. They are directed to report to the commanding officer of the battalion, when they consider it necessary to supply vacancies so occasioned. In the mean time, the rest of the detachment should perform the extra duty.

No. 695.

FINANCIAL DEPARTMENT.

The 8th April, 1846.

Read a letter from the Under Secretary to the Government of Bengal, No. 384, dated the 25th ultimo, and the correspondence therewith forwarded.

Resolution.—The President in Council having had under consideration the proposition of the Medical Board, contained in their letter, No. 70, dated the 16th ultimo, to the address of the Deputy Governor of Bengal, is pleased to resolve, that an extra allowance of 50 rupees per mensem shall be allowed to Sub-Assistant Surgeons when placed in sole charge of the medical duties of a civil station.

Order.—Ordered that a copy of the foregoing resolution be communicated to the Government of Bengal, in reply to Mr. Under Secretary Turnbull's letter, No. 384, dated the 25th ultimo above adverted to, and that transcripts of the resolution be sent to the Civil Auditor and the Hon'ble the Lieutenant Governor of the North Western Provinces for information and guidance.

(A true Copy.)

(Signed) J. A. Dorin,
Secretary to Govt. of India.

Re-published for general information in the North Western Provinces.

No. 279.

GENERAL DEPARTMENT.

The 2nd April, 1846.

With reference to the orders of May 16th and August 2nd, 1838, December 27th, 1839, and April 30th, 1844, regarding the establishment of district dawks; the following rules on the subject, drawn up by the Post-master General, are published for general information.

Letters will be received at every thanah and tehsildaree on the terms now notified, by the thanahdar, tehsildar, or such other officer as the Magistrate and Collector may appoint, for the purpose. Letters addressed to persons residing beyond the limits of the ordinary delivery of a sudder post office, will be transmitted to them by the district dawk, unless the persons to whom they are addressed make arrangements of their own with the Post-master for the transmission of their letters.

The sums collected as district postage under these rules, at the rate of 6 pie (½ an anna) on each letter, will be held in deposit by the Collector, and disbursed in such manner as, with the concurrence of the Post-master General, may seem best calculated to improve the district dawks in the zillah.

Rules to be observed by police officers or others who may be authorized to receive and despatch letters.

1. Letters "bearing postage" for despatch to any station or town in India, are to be received, on payment of a district postage of 6 pie (½ an anna) for each letter.

2. This district postage must invariably be prepaid by the sender, and will be in addition to the regulated Government postage from the nearest post office to the place of destination.

3. Letters for any places within the zillah should, if possible, be forwarded direct to the thanah or tehsil nearest to the place of their destination. If there be no direct communication, such letters must be sent with those for places in other districts to the Post-master of the sudder station.

4. All letters whatever, whether for places within the district or beyond it, must be entered in a register, according to the form annexed.

5. This register will be closed at the end of each month, and forwarded to the Post-master of the sudder station for inspection and verification.

6. A notice must be published in the town stating the hour at which the thanah dawk is despatched, and the hour at which the thanah post office will be closed.

7. All letters must be despatched on the same day that they are received.

8. All letters which cannot be sent by direct route to their destination will be enclosed in a bag, and sent by the thanah dawk to the Post-master of the sudder station, with a detailed list, shewing the name of the person to whom each letter is addressed, and the place to which each is to be despatched.

9. All letters received from the Post-master must be delivered without any delay, and the Government postage must be collected and recorded in the receipt register; the district postage of ½ anna on each letter being levied in addition to the Government postage and separately accounted for.

10. All postage received on letters delivered or despatched must be remitted regularly, every Saturday, to the Post-master of the station.

11. The chulans, which will accompany letters for delivery, must be returned to the Post-master on the day after their receipt, countersigned by the officer who opened the packet.

12. The thanahdar or tehseeldar, as the case may be, will be responsible that no over-charge is made and no unnecessary delay takes place in the delivery or despatch of letters.

ECCLESIASTICAL DEPARTMENT.

The 25th June, 1846.

The attention of the Revd. Chaplains and Assistant Chaplains, in the North Western Provinces, is requested to the existing rules, which require that all correspondence between them and the Government shall take place through the channel of the Bishop or the Archdeacon. No application can be attended to, which is transmitted to Government, direct, except under very special circumstances.

All applications for leave of absence on account of ill health must be accompanied, in the first instance, by a medical certificate signed by the medical officer who has been attending the applicant, and countersigned by the Superintending Surgeon.

ECCLESIASTICAL DEPARTMENT.

The 1st July, 1846.

It being desirable that the rules regarding the employment of Reverend Chaplains upon clerical duties at the hill stations should be generally known, the following resolution, passed by the Honorable the Lieutenant Governor North Western Provinces, upon the subject, is published for general information.

Resolution.

1. Subathoo, Kussowlee, and Landour, are considered military stations, to which Chaplains will be appointed in the same manner as to the stations in the plains.

2. Almorah is considered an out-station to Bareilly, and is visited by the Chaplain of Bareilly, under the rules applicable to such visits.

3. The duties of the other hill stations will be performed by Chaplains, on leave of absence upon medical certificate, who will be nominated to the charge on the recommendation of the Lord Bishop or Archdeacon. While thus doing duty, the chaplains will be exempted from any reduction of salary; but in all other respects they will be considered as absent on leave. The period during which they can enjoy exemption from loss of salary is consequently limited to 2 years, and any prolongation of absence beyond that time will subject them to the same disadvantages as if they had not been put in charge of the duties of the station. When availing themselves of the privilege conferred by this rule, they will be considered to forfeit their claim to return to the station they formerly held; and on the expiration of the 2 years' absence, will be nominated to any appointment that may be then vacant.

JUDICIAL AND REVENUE DEPARTMENT.

The 11th July, 1846.

Rules regarding travelling allowances for Uncovenanted Servants of Government.

1st. In consolidation and explanation of existing rules regarding travelling allowance to uncovenanted officers, the Hon'ble the Lieutenant Governor is pleased to publish the following for general information.

2nd. The travelling allowances of all uncovenanted officers, Christian or native, in the revenue, judicial and political branches of the service as detailed below, shall be 3-10ths of the salary drawn by each individual.

3rd. When the officer may be required to proceed by dawk, under special authority from Government, he will receive at the rate of 4 annas per mile, during the time he may so travel, and, on the days on which he may not so travel, he will receive at the aforesaid rate of 3-10ths of his salary.

4th. This scale of allowance will come into effect on August 1st of this year, and will be applicable to the following persons, whether present incumbents or otherwise.

5th. The fixed establishments of public covenanted officers, when moving from the station, or usual fixed residence, of such officers.

6th. All Principal Sudder Ameens, Sudder Ameens, Moonsiffs, Deputy Collectors, and Deputy Magistrates, when required to travel within their districts, or during transit from one district to another, when ordered on the public service and without a view to their promotion or to their acting in a higher grade.

7th. All najeebs, burkundazes, or men of the provincial battalions, when ordered beyond the limits of the district or division within which they are ordinarily required to serve.

FINANCIAL DEPARTMENT.

The 24th July, 1846.

No. 15.

The following rules for regulating leave of absence and acting allowances to public officers in India, not in the covenanted service of the East India Company, have been passed by the Hon'ble the President in Council with the concurrence of the Right Hon'ble the Governor General, and are published for general information.

I. Heads of offices and departments may grant to their subordinates leave of absence without deduction from salary, during the vacations authorized by Government in each department, and it shall not be necessary to report the same to any higher authority.

II. In addition to the above, the local Government will, at the recommendation of the head of a department, and on sufficient cause being shown, grant special leave of absence on private affairs, for not more than six months, to any place within the limits of the East India Company's charter, one-half of the absentee's salary being deducted for such period of absence.

III. The local Government will also grant leave of absence on medical certificate, for any period, not exceeding one year, to any place within the limits of the East India Company's charter, one-half of the absentee's salary being deducted for such period of absence.

IV. In cases of extreme urgency, the heads of offices are authorized to grant leave of absence on medical certificate, to the extent of a month, subject to the deduction specified in the preceding rule, reporting the same to Government for sanction.

V. If the period of leave granted under rule III. be less than one year, the Government will extend the same, whether continuously or otherwise, to the full period allowed by the rule, on the production of a medical certificate showing the necessity for such an extension.

VI. But after the enjoyment of a full year's leave on medical certificate, whether continuously or by instalments, no further leave will be granted under rule III. until after the lapse of three years from the expiry of previous leave under that rule.

VII. Absence without leave will render the absentee liable to loss of appointment, and will be attended with entire forfeiture of salary for the whole period of such absence.

VIII. No person appointed to a situation under the Government shall draw the salary of his appointment for any period prior to the date of his joining it.

IX. An officer holding a situation appointed to one of equal or higher value, will, until he joins, draw so much of the salary of his new office as may be equal to the salary of his former situation, provided he does not exceed the time allowed for joining under

the following rule: should he do so, no salary will be passed to him for such period in excess.

X. The time ordinarily allowed for joining an appointment is to be calculated at the rate of 15 miles a day (Sundays excepted) together with a week to prepare for the journey, but on occasions of emergency it will be optional with the Government to prescribe the period within which any journey is to be performed.

XI. A person officiating temporarily in any situation on the occurrence of a vacancy, or during the absence of the real incumbent, will, if he hold no other appointment, draw one-half the salary of such situation, and if he hold any other situation of less value, he will receive half the fixed salary of his own appointment, together with half the fixed salary of that in which he officiates, but no additional expense is to be incurred by the absence of any officer on leave.

XII. These rules are to be held applicable to all officers in the uncovenanted service of the Government, who may be in the receipt of salaries of 100 Rs. a month or upwards. To all others their spirit is to be applied so far as circumstances will permit. To officers receiving their appointments direct from the Government, leave of absence will be granted by the Government only, and in respect to other officers whose appointment and removal rest with their immediate superiors or with the heads of departments, it will be optional with the local Governments to delegate to such heads of offices and departments, power to act upon the rules without special reference to higher authority.

XIII. But it is to be clearly understood, that no leave of absence on private affairs shall be claimable by any party whatever under these rules as a matter of right, but that such leave shall be granted only at the pleasure of the Government or its authorized officers, when the concession of the indulgence in no way interferes with the interests of the public service.

By order of the Hon'ble the President in Council.

(Signed) J. A. DORIN,
Secy. to the Govt. of India.

Re-published by order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

JUDICIAL DEPARTMENT.

The 15*th October*, 1845.

The following form is prescribed for the descriptive roll which all Magistrates are required, under the Government Notification of the 8th January last (see *ante*, page 9.) to send with each convict who may be forwarded for transmision to the river stations and ultimately to the Allipore jail. The form of statement now prescribed is to be carefully adhered to, on all future occasions.

List of Prisoners sentenced to Transportation beyond Seas, despatched from the Jail to the Superintendent of Allipoor.

1	Current No. of Prisoner.				1
Goorbux *alias* Goordyal.	Name of the Prisoner.				2
91	No. of Session Judge and Nizamut Adawlut's Warrant.				3
143	Register No. of Prisoner in Zillah Jail.				4
25	Age.				5
Dheera.	Father's Name.				6
Dehlee; Golanoo; Sona.	Place of residence, Zillah, Pergunnah, Village.				7
Agra Sudder Nizamut Adawlut.	In what Zillah and by what authority sentenced.				8
Accomplice in Thuggee; for life with labor and irons; 21st May, 1846.	Crime, Term, and date of Sentence.				9
9th July, 1846.	Date of transfer in Transportation or Banishment to Allipoor.				10
Round, dark and pox marks and several moles on the face, one mole on the nose, several moles on the neck, two moles on the breast, spear wound on the left leg, and godna mark on the forehead.	Features, Complexion and Marks.		Descriptive Roll.		11
5	Feet.	Height.			
3	Inches.				
	Single or Married and what Family.				12
Hindoo, Bunjara, Thuggee.	Religion, Caste, Trade or Profession.				13
	Read, Write, what Language.				14
Originally convicted and sentenced on the 7th September, 1842, to imprisonment for life in banishment to the Agra Jail, which was enhanced on the 21st May 1846, to transportation beyond seas, for attempting to strangle and cut off the nose of a fellow prisoner.	On Prisoner's connections, former convictions and course of life.				15
Very turbulent and misbehaved.	On Prisoner's temper and disposition and conduct in Prison.				16
	Remarks.				17

No. 4611.

SEPARATE REVENUE DEPARTMENT.

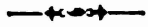
The 28th October, 1846.

The Lieutenant Governor is pleased to publish for general information the following modification of the rules passed on February 10th, 1844, for giving effect to the provisions of Act XIV. 1843.

Rule II.—The North Western Frontier line shall commence in the Himalayah range of mountains west of the Sutlej, where the British territory adjoins the territory of Maharajah Goolab Singh of Jummoo. Hence it shall run in the direction of the river Beas, till the junction of that river with the Sutlej. It shall follow the direction of the Sutlej till it reaches the Buhawulpoor frontier, and shall thence pass by Sirsa, Hissar and Hansie till it reaches the Jumna below Bullubghur. It shall run in the direction of the river Jumna till it reaches the boundary between the Banda and Allahabad districts, whence it shall follow the southern frontier of the Allahabad and Mirzapore districts, till it meets the river Soane, and there it shall terminate.

Rule III.—Custom house jurisdiction shall extend for a breadth of 15 miles or over all British territory within that space from the commencement of the line to the point where it reaches the river Jumna. Thence the Customs house jurisdiction shall extend for a distance of 15 miles from the right bank of the Jumna, or over all British territory within that space, so far as the boundary between the Allahabad and Banda districts, and along the frontier of the Allahabad and Mirzapore districts, for the distance of 15 miles north and east of the frontier, save and except that the cities and marts of Bindrabun, Muttra and Agra, shall be excluded from Customs jurisdiction, the space so excluded being a circle of two miles from the catwallee or chief police station of each town. Provided that where these tracts are so excluded, the breadth of the line be extended in a correspondent measure to the westward and southward, so that in no place the breadth be less than 15 miles, or include all British territory within that space.

Rule IV.—Is cancelled.



CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1846.

No. 26.

To the Civil Authorities in the North Western Provinces.

Construction No. 890, dated 11th July, 1834, having reference to a class of agriculturists, known in the Bengal division of this presidency by the name of "jotedar," the rights and interests enjoyed by whom are not either specified or defined, the Court of Sudder Dewanny Adawlut for the North Western Provinces desire, that it be in future considered to have currency and application only in the lower provinces.

Agra, the 1st January, 1846.

No. 272.

To the Civil Authorities in the North Western Provinces.

A doubt having arisen as to the admissibility of a claim to restitution of the stamp duty, levied on plaints and petitions of appeal, in cases in which the plaintiff or appellant may file a "bazdaweh," the Court request the attention of the civil authorities in the North Western Provinces to the following remarks.

2. It has been sometimes argued, that a "bazdaweh" and razeenameh or soolehnameh having the same effect of removing the pending suit from the file of the Court, must be considered identical for all the purposes, contemplated by article 10, schedule B, Regulation X. of 1829, or in other words, that, whether the instrument represent the act of one party, as a "bazdaweh" or of both parties to the suit, as a soolehnameh, rufanameh or razeenameh would do, it will equally entitle the party, delivering it, to refund of stamp duty.

3. The majority of the two Courts of Sudder Dewanny Adawlut, however, observe, that the "adjustment" mentioned in article 10, schedule B, Regulation X. of 1829, and section 11, Regulation XIII. of 1810, implies an *amicable settlement of the claim by the mutual consent of both parties*, and that, consequently, a "bazdaweh" if its terms purport simply a withdrawal of the claim or appeal, on the part either of plaintiff or appellant, cannot be held to confer upon the party, delivering it, a right to reimbursement in the amount of stamp duty, levied on the plaint or petition of appeal. It may be added, in support of the above distinction, that, though the document designated a razeenameh *may be executed* by one party, it should imply some act of concession or consent on the part of his adversary, and cannot, in the absence of such act of concession or mutual agreement, be deemed a *bonâ fide* instrument of the kind denoted. By a "soolehnameh" and "rufanameh," also, the Court understand an instrument, requiring and bearing the acknowledgment and verification of both parties to the suit, which would ordinarily entitle the plaintiff or appellant to a refund of the stamp duty.

4. The Court desire by the foregoing observations to intimate, that a written application under whatever denomination, notifying an "adjustment" of the point in dispute, that is to say, an amicable settlement thereof by the mutual consent of *both* parties, is sufficient to entitle the party, presenting it, to the benefits of article 10, schedule B, Regulation X. of 1829.*

5. The authorities, who may presume that this point has been already ruled by construction No. 977, will be pleased to observe, that the term "dustburdaree," occurring therein, signifies a verbal relinquishment of the claim, and not any written instrument of the nature of a bazdaweh.

Agra, the 23*rd January*, 1846.

No. 478.

The Court of Sudder Dewanny Adawlut, direct the publication of the following amended translation of the Circular Order, No. 272, dated 23rd January last.

Agra, the 27*th March*, 1846.

سرکیولر آرڈرس

صدر حاکمان صدر دیوانی عدالت ملک مغربی

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(۲۷۲)

بنام حکام عدالت هاے ملک غربی

بسبب وقوع اشتباہ نسبت اس امر کے کہ آیا قیمت اسٹامپ عرضی دعوی اور درخواست اپیل کی بعاتب گذرنے بازدعوی از جانب مدعی یا اپیلانٹ کے قابل واپسی ہی یا نہیں حکام صدر دیوانی امور مصرحہ ذیل کو واسطے ہدایت جمیع حکام دیوانی کے ارشاد فرماتے ہیں ۔

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* *Vide* Circular Order, No. 805, page 24, for a correction of the phraseology of this paragraph.

۲ بعض حکام کي طرف سے یہہ امر معرض بحث میں درپیش ہوا ہی کہ ہرگاہ اثر بازدعوي اور راضي‌نامہ اور صلحنامہ کا نسبت بمقدمہ واحد ہی یعني تینو حالتوں میں مقدمہ بلاتجویز باقیات سے خارج کیا جاتا ہی تو یہہ تیدو صورتیں واسطے رعایت مقتضاے ضمن ۱۰ فہرست ۲ قانون ۱۰ سنہ ۱۸۲۹ ع کے یکساں متصور ہیں عام اس سے کہ دستاویز مذکور بطور بازدعوي ایک فریق کي جانب سے ہو یا بطور صلحنامہ اور رفعنامہ اور راضي‌نامہ فریقین کي طرف سے بہر دو حال مدعي یا اپیلانٹ مستحق واپسي قیمت اسٹامپ عرضي دعوي یا درخواست اپیل کا ہی *

۳ مگر غلبہ آراے حکام عدالتین صدر شرقي اور غربي کا اِس بات پر ہی کہ تصفیہ معاملہ متذکرہ ضمن ۱۰ فہرست ۲ قانون ۱۰ سنہ ۱۸۲۹ ع اور دفعہ ۱۱ قانون ۱۳ سنہ ۱۸۱۰ مشروط برضامندي طرفین پایا جاتا ہی پس اگر باردعوي سے صرف دستبردار ہونا دعوي یا اپیل سے از طرف مدعي یا اپیلانٹ یعني ایک فریق کي مراد ہو تو داخل کنندہ ایسي دستاویزکا مستحق واپسي قیمت اسٹامپ نہیں ہی اور حکام یہہ بھي ارشاد فرماتے ہیں کہ اگرچہ شاید دستاویز راضي‌نامہ صلحنامہ ایک فریق کے بھي مکمل ہوسکتي ہی لیکن اس صورت میں واسطے امتیاز دستاویز مذکور کے بازدعوي سے ضرور ہی کہ اُس سے رضامند کرنا فریق ثاني کا مدعي یا اپیلانٹ کو تحقیقا معلوم ہو ورنہ درصورت فقدان اُسکے دستاویز مذکور درحقیقت راضي‌نامہ تصور نہ کیجائیگي چنانچہ حکام صلحنامہ اور رفعنامہ کو بھي ویسي ہي دستاویز سمجھتے ہیں جسپر اقرار اور تصدیق فریقین مقدمہ کا ثبت ہو اور جسکے داخل ہونے سے مدعي یا اپیلانٹ غالبا مستحق واپسي قیمت اسٹامپ متصور ہوگا ٭

۴ پس خلاصہ تمام تحریر مذکورہ بالا کا یہہ ہی کہ کوئي دستاویز تحریري بلاخصوصیت اسمي جب کہ مثبت تصفیہ امر متنازعہ‌فیہ برضامندي فریقین کے ہوگي تب واپسي قیمت اسٹامپ کي مدعي یا اپیلانٹ کو برعایت مقتضاے فہرست ۲ قانون ۱۰ سنہ ۱۸۲۹ ع کے لازم آویگي ٭

۵ واضح ہو کہ وے حکام جو ایسا سمجھتے ہیں کہ یہہ امر بذریعہ کنسٹراکشن ۹۷۷ کے منقح ہوچکا ہی اب تجدیدا اُسکي تنقیح کي کچھہ حاجت نہي اُنکو اس امر پر لحاظ کرنا چاہیئے کہ لفظ دستبرداري مندرجہ کنسٹراکشن مذکور سے دستبرداري بتقریر زباني مراد ہی اور اس سرکیولر میں مراد دستاویز تحریري سے ہی فقط

No. 450.

To the several Civil and Criminal Authorities in the North Western Provinces.

Constructions No. 454, 820, and 1221, and the Circular Order, Nizamut Adawlut, No. 14, dated 5th December 1828, having received the re-consideration of the Court of Sudder Dewanny and Nizamut Adawlut, for the Lower and North Western Provinces, and being found at variance with other instructions* on the same subject, which declare preliminary enquiry and commitment in cases of forgery,

* Construction, No. 572, paragraph 3.
Construction, No. 704.
Circular Order, No. 169, dated 27th May, 1835.

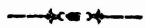
brought to light in the course of judicial proceedings, to be the peculiar duty of the Civil Courts, are hereby rescinded.

2. In such cases, it will be no longer optional with the Civil Courts, as implied in the several Constructions and the Circular Order hereby revoked, either to commit the accused for trial before a special sessions, or to direct a prosecution for forgery, or to declare the party, aggrieved by such forgery, at liberty to institute a prosecution in the Criminal Court, as to them may seem fitting, but it will be incumbent on those courts, in all cases of forgery, brought to light in the course of judicial proceedings, to conform strictly to the rules prescribed for adoption in cases of perjury, by section 2, Regulation III. of 1801, by section 3, Regulation VII. of 1813, section 8, Regulation III. of 1803, and section 14, Regulation XVII. of 1817.

3. The same rule is to be considered applicable, *mutatis mutandis*, to cases of forgery brought to light in the course of judicial proceedings in a Criminal Court.

4. These instructions are not intended to exclude from the cognizance of the magisterial authorities, criminal prosecutions for forgery, which may be instituted irrespectively of proceedings in any Civil or Criminal Court.

Agra, the 13th March, 1846.



No. 605.

To the Civil Authorities in the North Western Provinces.

The Court publish for general information, extracts [paragraph 27,] from a report on the administration of Civil justice during the past year in the Furruckabad district, and [paragraph 5] from their reply to the Judge's observation on the subject of the difficulty experienced by decree holders in obtaining possession of houses and small patches of land, decreed in their favor.

Agra, the 27th April, 1846.

Extract [paragraph 27th] from a Report on the administration of Civil Justice during the past year in Zillah Furruckabad.

Para. 27th. Before closing this report, I beg to bring to the notice of the Court, the great difficulty that is experienced by decree holders to obtain possession of houses and small patches of land, decreed in their favor. Several instances have lately been brought to my notice, in which decree holders have filed regular suits 2, 3 and even 4 times for the same property, have obtained decrees in each case, and have yet failed to obtain possession; this failure to obtain possession has arisen from individuals starting up and objecting to possession being given, on the plea that they are in possession and not the person against whom the decree has been passed; on such objection being reported, the decree holder is informed, under the rule laid down in Construction No. 744, dated 21st December, 1832, that the objector cannot be ousted, and that if he is desirous of obtaining possession, he must file a regular suit against the person who has opposed his possession. In the cases referred to by me, the decree holders have several times, as stated above, obtained decrees for the same property, and yet are as far off from obtaining possession as when they filed their first suit. This should not be;

and to prevent the necessity of so many suits being instituted for the same property, I would suggest that the present law be so altered, as to make it incumbent on the judicial officers, in all suits brought before them for the possession of real property, to cause a written notification of the claim preferred to be affixed on the property claimed and published in its vicinity, requiring all persons, who may claim possession, to prefer the same within a limited period, and informing them, that, failing to do so, they will, in the event of the plaintiff obtaining a decree, be referred to a regular suit to substantiate their claim, the plaintiff in the meantime being placed in possession. An alteration of the law to the above effect would at once remove most effectually and remedy the evil now complained of.

Extract [paragraph 5,] of a letter from Register Sudder Dewanny Adawlut, North Western Provinces, No. 703, dated 27th instant, to Judge of Furruckabad.

Para. 5th. With reference to your 27th paragraph, I am desired to remark, that the remedy for the evil therein described, is in the hands of those who are represented to suffer from its prevalence; it is in the power of every suitor, by timely application to the Court in which his suit is pending, to prevent the fraudulent alienation of the defendant's property for the purpose of avoiding the execution of an eventual judgment; and it cannot be the fault of the Courts, or of the rules by which their proceedings should be guided, if litigants suffer themselves to be defrauded by failing to avail themselves of the protection which the law affords. Section 5, Regulation II. of 1806 empowers the Judge, whenever "he may be satisfied by sufficient proof, that there is ground to apprehend the defendant means to dispose of the property in his possession by any private transfer," &c. &c., "to call upon the defendant for malzaminee security or to cause the attachment of any land, effects or other property belonging to, or possessed by the defendant, *the attachment of which may be deemed necessary to secure the execution of the judgment to be passed in the cause,*" and it has been ruled by the Court on a former* occasion, that the purpose of a defendant in pursuing a certain line of conduct must be determined by the tendency and effect of that conduct, that, if a defendant be found to be making away with his property in either of the three ways described in the Regulation, and it be established, that the effect of his act will be to defeat the execution of an eventual judgment against him, such a fact would form a "sufficient proof," that such was the object and purpose of the defendant in pursuing that course, or at any rate, it would furnish "ground to apprehend" that such was his purpose, which is all that the law requires. The Court cannot but think, that hereby is provided adequate protection to all suitors against the fraudulent alienation of property during the dependence of a civil action, and that it is not more frequently availed of, is believed by the Court to arise from the ignorance and incapacity, generally, of pleaders. In order, as far as in them lies, to obviate this evil, the Court will give publicity to the 27th paragraph of your report, and to the foregoing observations on the subject of it, merely observing further, that the power of attaching the property of defendants, was extended to Moonsiffs by section 3, Act VI. of 1843, and that the proper mode of making such attachment is described in paragraph 4th of Circular Order, Sudder Dewanny Adawlut, No. 50, dated 17th February 1816, extended and made applicable by Construction No. 916, to cases of attachment under section 5, Regulation II. 1806, the Court deem it a matter of great importance, that the course prescribed in the orders referred to, should be invariably followed, whenever necessity for the attachment of property, with whatever object, may arise.

Vide paragraph 85, Court's printed report for 1842.

No. 746.

To the Civil Authorities in the North Western Provinces.

The Court desire that all the Civil authorities, in recording the depositions of witnesses, will on all occasions observe the rules prescribed in the following extract [paragraph 21] from the report of the Judge of Goruckpore on the administration of civil justice for the past year.

Agra, the 18*th May*, 1846.

Extract [*paragraph* 21] *from the Report of the Judge of Goruckpore on the administration of Civil justice for the past year.*

Oral testimony.

Para. 21. My attention has been called to this subject, partly from observing that there was no uniform mode of recording depositions of witnesses in the Moonsiffs' courts, and partly from the record itself *primâ facie* giving no refutation to the slander easily insinuated by a disappointed suitor that depositions in the lower court had been trimmed.

I believe that in some cases depositions were taken in the rough, and afterwards copied fair. It has come, too, under my observation that the native Judges have in an off-hand fashion dismissed a claim upon the ground of gross discrepancies in the evidence, which could not be detected by me after the most careful perusal. From a consideration of these circumstances, I directed that the depositions of all witnesses in every court, in lieu of the old bi-columnar arrangement, with question on one side and answer on the other, should be continuously written according to the Sudder Nizamut's exemplar appended to their Circular Order, No. 54, July 16th, 1830; that the interrogations put to witnesses should be in order; first by the party or his vakeel, at whose summons they attended; next by the opposite party; last by the native Judge; that all the questions put should be numbered in a regular series; and that if by accident or other cause it became necessary to make a fair transcript of the deposition, that the original rough draft, of course similarly attested, should invariably be placed on the file. I am thus enabled to ascertain the care and attention with which depositions have been taken, and the latter is discernible from the native Judge's own questions. They too have only, when they allude to discrepancies, to point out the numbers of the different questions in which the deponent's replies are open to this imputation.

No. 805.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, for the North Western Provinces, direct that an error in the phraseology of the 4th paragraph of their Circular Order, No. 272, dated 23rd January last, be corrected by the insertion of the terms "provided such document bear the acknowledgment and verification of both parties to the suit," immediately after the word "parties," occurring in the 6th line of the paragraph in question. as printed in the *Agra Government Gazette* of the 17th March last.*

Agra, the 2*nd June*, 1846.

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* *Vide* page 20.

No. 820.

To the several Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, having been for some time past engaged in devising an uniform set of register books for the use of the Moonsiffs' courts, circulate herewith twenty-one (21) forms, which have been prepared with much care after communication with several experienced district officers, and which, it is hoped, will be found sufficiently simple, and comprehensive at the same time, to admit of their general and immediate introduction, in supersession of those now in use.

2. The following instructions and explanatory remarks are issued with a view to ensure uniformity and prevent error in the preparation of the several registers, and, where necessary, to explain the design of the Court in prescribing the use of any particular form, or the purport of any particular heading.

3. On the appearance of this Circular Order, the Judges of the several districts in these provinces, will cause the requisite number of books to be prepared, according to the subjoined forms, of uniform size, and, before allowing them to be brought into use, will be pleased to take care, that they are securely bound, and that each leaf of each book is paged and attested by the Moonsiff, who shall note in his own handwriting on the first and last pages of each book the number of pages contained in it, and subscribe the note with his official signature.

4. The several books are for facility of reference to be numbered in the serial order which has been followed in the arrangement of the subjoined forms, and a departmental distribution of the labor and responsibility, incurrible in their preparation and maintenance, is to be effected under the immediate direction of the Judges, who will observe that the registers Nos. 1. to 15, appertain to the moonshee khanah of the Moonsiff's court, and Nos. 16 to 21, to the nazarut, and will frame their instructions accordingly.

5. Before proceeding to add a few remarks and orders relating to the several registers, the Court desire to explain that the register No. 1, of civil suits disposed of by Circular Order, No. 14, dated 23rd November, 1838, is to be kept up, and that the table of distances, directed by Circular Order, No. 182, dated 28th January, 1842, is to be prepared and exposed in each Moonsiffee as heretofore, irrespectively of the following instructions.

6. *Register No.* 1—Will exhibit all the regular suits instituted in, or referred to, the Moonsiff's court, according to their number and date of institution, together with other particulars in regard to the subject and value of suit, the mode and date of its ultimate disposal, and the issue of appeals instituted, as indicated in the several columns of the form, on the subject of which it is only necessary further to remark, that this register, as well as all others of the series, is designed not only to furnish a correct record of the business pending, instituted and disposed of in each court, but at the same time to expedite the preparation of the periodical returns required for submission to the Court, and to facilitate reference, whenever information may be applied for either by suitors or by the superior judicial authorities. It is with this view that column No. 5, has been sub-divided, and separate headings (Nos. 8 and 9,) provided to shew the date

on which execution may have been sued out, and the result with which an appeal from the original decision may have been attended.

7. *Register No.* 2—Has for its object to secure strict conformity on the part of the Moonsiffs to the instructions contained in Circular Order, Sudder Dewanny Adawlut, No. 49, dated 20th September, 1839, and to enable the Judge to correct any irregularity or delay that may incidentally be brought to his knowledge: the form is so simple as to call for no explanation as to the mode of its preparation.

8. *Register No.* 3—Is prescribed in accordance with Circular Order, Sudder Dewanny Adawlut, No. 14, dated 23d November, 1838, and is required to be kept up with great regularity, care being taken to avoid erasures, interpolations, and alterations of the original entries; the date on which the suit may be decided will be exhibited in order to facilitate reference, the records of the Civil Courts being arranged in the sudder office according to jurisdictions and dates of decision.

9. *Register No.* 4.—The Court deem it unnecessary to add to the instructions contained in Circular Order Sudder Dewanny Adawlut, No. 146, dated 15th May, 1835, in obedience to which this register was instituted; a tabular form is now prescribed, in order to ensure uniformity, and with a view to facilitate reference to the original record in cases of doubt, the number of the suit and the date of the order will be exhibited in the first column.

10. *Register No.* 5.—In the first column of this register are to be entered the number of the regular suit, and the date of decision, which will not always correspond with the date of the razeenameh, to be exhibited in the 5th column, and in the 8th column will be shewn the date on which the matter of the refund may be finally disposed of by the petition of plaint being returned to the Moonsiff. The Moonsiffs are hereby directed, before transmission of a plaint to the revenue authorities for refund of the stamp duty, to endorse upon it the date on which the case to which it relates was disposed of, a precaution, which will entail but little labor, and will at the same time prevent much delay and inconvenience, now experienced in restoring petitions of plaint to the record of the cases to which they belong.

11. *Register No.* 6.—A few supposititious entries have been made in the form of this, as of other register books, as better calculated to shew the purport and object of each heading, than any written commentary would be; it seems only requisite to observe, that while the 1st column will shew the number of the application for execution in its serial order, the 2nd will exhibit the number of the regular suit, and the date of the decrees to which the application has reference, and in the 3rd column will be inserted only the names of the decree holder and of those defendants against whom the decree has been passed, those who have been absolved by the judgment of the court being excluded. The object, proposed by the 9th column, is to facilitate reference to the proceedings, held on subsequent applications for execution of a decretal order, and to keep up a connection between the several misls which relate to the same decree.

12. *Register No* 7—Calls for no other remark than that columns 4 and 5 are designed to exhibit, respectively, the number borne in register book, No. 6, by *the case of execution of decree*, in which claims or objections have been preferred, and the date on which the *regular suit* to which that decree may appertain, was determined, but in

order to maintain the connection, and chain of reference, which it is intended to establish, the judicial authorities are required, in making requisitions of the nature alluded to under Circular Orders, Nos. 83 and 167 dated 8th May, 1840, and 24th September, 1841, to superscribe the particulars, which the Moonsiff receiving the requisition will be expected to insert, as above directed, in the 4th and 5th columns of this register. In regard to cases thus received, the name of the court referring them, will be entered in the 1st column.

13. *Register No.* 8.—The date of institution required to be shewn in the 1st column of this register, will correspond with the date of the nazir's report, alleging the fact of resistance, and in the remaining columns the entries will be made agreeably to the example given.

14. *Register No.* 9.—In the 1st column of this book will be exhibited the number of the pending application for execution of decree [as entered in register No. 6], in which the party may have been arrested, and the Moonsiffs, in forwarding the prisoner to the sudder stâtion, will transmit with him an extract [columns 1 to 6], from this register book, 7th, 8th and 9th columns of which will be filled up subsequently, on receipt of the requisite information from the Judge of the district. The Judges are requested to be punctual in communicating this information to the Moonsiffs, particularizing not only the name of the prisoner, but the number and names of parties, as exhibited in column 1st of this register.

15. *Register No.* 10—Will comprise all miscellaneous applications, petitions, reports or business of any description, other than that, for which separate registers are hereby prescribed, and the instructions, contained in the latter part of paragraph 12, are to be considered equally applicable to requisitions of the miscellaneous nature to which this register book relates, that is to say, the Moonsiff or other judicial authority making such a requisition is required to state all particulars that may be requisite to enable the officer receiving it to fill up the 2nd, 5th and 6th columns of this register.

16. *Register No.* 11—Requires no remark, it will be kept up by the ministerial officers of the Moonsiff's court, *not* by the nazir.

17. *Register No.* 12—Will supersede the form of register prescribed by Circular Order, No. 82, dated 5th February, 1833, which in other respects should be, as heretofore, observed, and will include all other deposits, than those on account of tullubanah, subsistence money of civil prisoners, and ameen's remuneration, all which are separately provided for by registers Nos. 9, 11 and 18 of this series. The duty of maintaining this register has not been assigned to the nazir, because, under the operation of Circular Order, No. 107, dated 18th September, 1840, becoming more extensively applicable as the adjustment of subordinate civil jurisdictions progresses towards completion, that functionary has little or nothing to do with the matters to which the said register relates.

18. *Register No.* 13—Is so simple as to require no remark.

19. *Register No.* 14—Will be prepared and kept up in the form prescribed by Circular Order No. 1, dated 14th October, 1837, and *Register No.* 15, agreeably to the instructions which may have been, or may hereafter be, received from the Accountant's office.

20. The remaining register books of the series appertain to the nazarut, and will be kept up by the nazirs appointed under the authority of the recent Act No. XIV. of 1845; the two first, Nos. 16 and 17, when once prepared, will entail but little labor, and the remaining four do not call for instructions as to the mode in which they are to be made up, or any explanation of the objects contemplated in their institution. The register No. 18 corresponds with the form subjoined to Circular Order, Sudder Dewanny Adawlut. No. 98, dated (Western Provinces) 18th September, 1840, and seems to the Court sufficiently comprehensive for all requisite purposes, and the headings of the several columns of the following register No. 19, plainly denote the nature of the proper entries, and the several objects proposed by its introduction: it is to be borne in mind that the first column of this latter register is to exhibit the No. and description of the case, whether regular suit, or oozurdaree case, or resistance of process, or other, in which the witnesses may have been summoned:—in like manner, the entry in the 3rd column of register, No. 21, will shew the same particulars relative to the case in which security, for whatever purpose, may have been demanded.

21. The Court are disposed to think, that the several register books hereby prescribed are not only simple, but sufficiently comprehensive to provide a valuable record of all the business, pending, instituted and disposed of in the Moonsiffs' courts, and they see little reason to apprehend, that, with the foregoing explanatory comments and instructions, difficulty will be experienced in their preparation and maintenance, but they deem it advisable to impress upon the Judges the necessity of occasionally calling for the register books for examination, and not only pointing out to the Moonsiffs, but reporting to the Court, any instances of irregularity, carelessness, or remissness, that may be discovered; it is of material importance, that this precautional measure should be observed on the first introduction of these registers, as their novelty may possibly lead to misapprehension of their objects, and to doubt as to the mode of their preparation.

22. It is to be understood, that the several register books of this series, with the exception of the "yaddasht buhee," No. 4, which, as directed in the Circular Order, dated 15th May, 1835, will be forwarded, when complete, to the Judge's office, are to be considered records of the Moonsiff's court, and to be there retained until all probability of a necessity for referring to them may cease to exist, when they will be transmitted to the Judge, for the purpose of being deposited in his office.

23. It having been represented to the Court, that much delay in the execution of decretal orders is occasioned by the necessity, under the present rules, of recalling from the Sudder office the misls relating to applications for execution of decree, which may have been struck off on default, when the cases are revived by a fresh application to that effect from the decree holder, the Court direct that all such misls shall be retained by the Moonsiffs for a period of six months from the date of their being expunged from the file of pending cases; should no steps be taken in the interval of six months to proceed with the execution, the misl will be forwarded to the Sudder office, as usual.

24. A form (A) to be observed in the preparation of the table of distances, enjoined by Circular Order, No. 182, dated 28th January, 1842, is appended to this circular.

25. These forms are to be brought into use from and after the 1st September next ensuing.

نمبر

نقشه بهي رجسٹري مقدمات نمبري مرحومه محكمه منصف فلاں يا مفوضهٔ صاحب جج بابت دوسري منصفي كے بتبديل نقشجات مندرجه نمبر ۴ و ۵ دفعه ۷۸ قانون ۲۳ سنه ۱۸۱۴ ع

۱	۲	۳	۴	۵			۶	۷	۸	۹
تاريخ داخل هوے عرضي يا تفويض مقدمه كي مع نمبر مقدمه مقيده لفظ مرحومه يا مفوضه	نام مدعاصمين مقيد نام و كلاے مدعاصمين	شي دعوي معه تعداد دعوي	تعداد قيمت كاغذ عرضي دعوي	فيصله			تاريخ فيصله مع خلاصه حكم فيصله	دكرو تاريخ منتقل هوے مقدمه كي دوسرے محكمه مين	تاريخ گذرنے پهلي درخواست اجراے ڈگري كي و نمبر درخواست مذكور مندرجه كتاب اجراے ڈگري نقشه نمبر ۶ كي	كيفيت حكم اخير محكمه اپيل بتصريح بحالي يا منسوخي يا ترميم فيصله مرافعه اول مقيد تاريخ بابت اُن مقدمات كي جنمين اپيل هوئي هو
				تجويزي بتفصيل حاضري مدعاعليه يا يكطرفه اور اقبال دعوي	بسبب عدم پيروي	ازروے راضي نامه				
نمبر ۱ يكم جنوري سنه ۱۸۴۶ ع مرحومه	كشن چند مدعي بنام ماتا بخش مدعاعليه	روپے ۳۰۰	۱۶	م يكطرفه	۰	۰	يكم فبروري سنه ۱۸۴۶ ع دعوي مدعي ڈگري هوا	۰	نمبر ۱ ۱۵ فبروري سنه ۱۸۴۶ ع	پهلي جون سنه ۱۸۴۶ ع محكمه صدرالصدور سے فيصله منصف بحال رها
نمبر ۲ پنجم جنوري سنه ۱۸۴۶ ع مفوضه	ايضا	روپے ۶۴	۴	م	۰	م	۰	دوم فبروري سنه ۱۸۴۶ ع نمبر اصل نامه كے خارج هوا	۰	۰

نمبر ۲

بهي طياري ڈگري اور رسيد ديئے جانے نقل ڈگري کي متخاصمين کو

۱	۲	۳	۴	۵
تاريخ فيصله مقدمه مع نمبر مقدمه	نام متخاصمين مقدمه	تاريخ طياري اصل ڈگري	کيفيت طيار هونے اور ديئے جانے نقل ڈگري کي مدعي کو بقيد تواريخ اور العبد مدعي يا وکيل مدعي کے مع سبب توقف	کيفيت طيار هونے اور ديئے جانے نقل ڈگري کي مدعاعليه کو بقيد تواريخ اور العبد مدعاعليه يا وکيل مدعاعليه کے مع سبب توقف
۲۴ جولائي سنه ۱۸۴۵ ع نمبر ۱۰۵	بهگوت راے مدعي مانک چند وغيره مدعا عليه	۳۰ جولائي سنه ۱۸۴۵ ع		

نمبر ۳

فهرست بهي كاغذات مقدمات لمبري بموجب سركيولر ۲۳ نواءمبر سنه ۱۸۳۸ ع

لمبر ۱ سنه ۱۸۴۵ ع

رام پرشاد مدعي
رام سروپ وغيرة مدعاعليه

منفصله دهم دسمبر سنه ۱۸۴۵ ع

عرضي دعوي حكمي پهلي جنوري سنه ۱۸۴۵ ع	اطلاع نامه	جواب دعوي حكمي ۴ جنوري سنه ۱۸۴۶ ع	

نمبر ۴

بهي يادداشت احكام مقدمات نمبري حسب مراد چٹھي سرکيولر ۱۵ مئي سنه ۱۸۳۵ ع

۱	۲	۳
تاريخ حكم مع نمبر مقدمه	نام متخاصمين	شرح عبارت ديل حكم مع دستخط حاكم و العدد متخاصمين يا وكلاے متخاصمين

نمبر

کتاب نقشہ حکمہاے جات واپسي قیمت کاغذ اسٹامپ عرضي دعوي بسبب راضي نامہ وغیرہ

۱	۲	۳	۴	۵	۶	۷	۸	۹
نمبر مقدمہ مع تاریخ فیصلہ	نام منکاحصوں	تعداد قیمت کاغذ عرضي دعوي	تعداد زر واپسي بقید دفعہ اور قانون جسکے رو سے روپیہ واپس ہوتا ہی	تاریخ عرضي نامہ	نام گیرندہ حکمدمہ مع ثبت دستخط گیرندہ و دو گواہ حاضرباش کچہري	دستخط حاکم	تاریخ واپس آنے عرضی دعوی اور احکام مقدمہ	کیفیت

نمبر ۶

نقشه ہی احراے ڈگری صحکمه منصفی

۱	تاریخ گذرنے درخوست اجراے ڈگری کی مع نمبر ترتیبی اجراے ڈگری کے ۔	نمبر ۱ پہلی فروری سنه ۱۸۴۶ ع	نمبر ۲ دوسری فبروری سنه ۱۸۴۶ ع	نمبر ۳ پہلی مئی سنه ۱۸۴۶ ع	
۲	نمبر مقدمه و تاریخ ڈگری	نمبر ۵ سنه ۱۸۴۶ ع ۱۵ جنوری سنه ۱۸۴۶ ع	نمبر ۶ سنه ۱۸۴۶ ع ۱۶ جنوری سنه ۱۸۴۶ ع	نمبر ۶ سنه ۱۸۴۶ ع ۱۶ جنوری سنه ۱۸۴۶ ع	
۳	نام مدعی اور آن مدعاعلیهم کے جنکے اوپر ڈگری صادر ہو	عبداللہ مدعی عبدالعزیز مدعاعلیه	گوپی شنکر مدعی اوما شنکر مدعا علیه	گوپی شنکر مدعی اوما شنکر مدعاعلیه	
۴	شی ڈگری یعنی وہ شی جو بموجب حکم ڈگری کے ایک سے دوسرے کو دلائی جائے	۱۰ بابت اجرا ۳۰۰ بابت خرچه	دخل جو ملی و ۲۰ روپیه بابت زر خرچه	۲۰ روپیه زر خرچه	
۵	کیفیت تعمیل نقید تعیں و مقدار نسبت شی کے جسکی بابت ڈگری جاری ہو کے تعمیل پائے	۳۰۰ روپیه مدعاعلیه مدعی کو وصول ہوا	دخل دہانی مدعی کی عمل میں آئی	گرفتاری مدعاعلیه سے وصول ہو کے مدعی کو دلایا گیا	
۶	تعیں و مقدار ہر شی کی جو کہ تا اخراج مقدمه تکمیل احراے ڈگری سے باقی رہگئی	۱۰ روپیه	۲۰ روپیه		
۷	سبب عدم تعمیل احراے ڈگری	سبب بے جائدادی مدعاعلیه	عدم پیروی		
۸	تاریخ احراج مقدمه اجراے ڈگری	۲ اپریل سنه ۱۸۴۶ ع	۳ اپریل سنه ۱۸۴۶ ع	۵ مئی سنه ۱۸۴۶ ع	
۹	تاریخ گذرنے اس درخواست جزا کی جو سبب نامکمل خارج ہوے مقدمه کے پھر گذری مع نمبر اسکے		پہلی مئی سنه ۱۸۴۶ ع		

نمبر ۷

بابي مقدمات عدرداري بابت مقدمات اجرايدگري عام اُس سے کہ وہ مقدمات اجرايدگري مرجوعہ اُسي محکمہ کے ہوں يا بابت دوسرے محکمہ کے جو بسبب وقع ہونے جائداد کے اس محکمہ ميں يہاں تعلق پذير ہوئے ہوں

۱	۲	۳	۴	۵	۶	۷
نمبر شمار ونام محکمہ درصورتيکہ دوسرے محکمہ سے مقدمہ آيا ہو	ماہ جون	تاريخ گذرنے سوال عدرداري کي	نام متجاسمين مقدمہ جسميں عدرد ري ہوئي نقد نمبر	تاريخ فيصلہ اُس مقدمہ کي جسکے اجرايدگري ميں يہہ عدرداري ہوئي	تفصيل جائداد عدري	خلاصہ حکم آخر بقيد تاريخ
نمبر ۱ منصفي مہرٹہ	جيون سنگہہ	۲۳ مئي سنہ ۱۸۴۵ ع	نمبر ۲۵۸ رام سرن مدعي بنام جواناتہہ مدعي علية	۲۶ فبروري سنہ ۱۸۴۵ ع	حويلي واقع شہر آگرہ	۵ جون سنہ ۱۸۴۵ ع کو خارج ہوا

نمبر ۸

نهي عدول حکمي

۱	۲	۳	۴
نمبر شمار و تاریخ رجوع	نام مجرم عدول حکمي	نام متی ضمن مقدمه جسمیں عدول حکمي وقع هوئی بعد نمبر مقدمه وصیعه	خلاصه حکم اخیر بقید تاریخ
نمبر ۱ مرحوعه ۲۱ جنوري سنه ۱۸۴۶ ع	سروپ سنگهه دیون سنگهه	اچهل سنگهه مدعي نمبر ۸۷ اجراے ڈگري بنام سروپ سنگهه و جوگراج مدعا علیهم	دونوں مجرم پر ۲۵ روپیه جرمانه هو بتاریخ ۱۵ فروري سنه ۱۸۴۶ ع

نمبر

نمبي قيديان مقدمات اجراے ڈگري و جمع و خرچ زر خوراکي

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰
نمبر مقدمه صفه نام متخاصمين	تعداد زر مطلوبه جسکے وصول کے واسطے حکم قيد کا صادر هوا	نام داخل کنندة زر خوراک مقيد تاريخ و تعداد	نام قيدي	تاريخ چالان مقيد نام پيادة زر خورک مفروضه پيادة	خلاصه حکم جسکے رو سے چالان هوا	تاريخ قيد	تاريخ رهائي	دستخط و نام پاندة زر خورک درصورت واپسي زر مذکور بمقيد تاريخ	کيفيت سبب رهائي يعني بعد وصول زر مطلوبه يا بثبوت مفلسي قيدي يا عدم وصول خوراک از ڈگريدار يا وجه ديگر
نمبر ۸۷ سنه ۱۸۴۴ ع زيد بنام بکر	۲۳۰ روپيه ۸ آنه	۵ روپيه پهلي فبروري سنه ۱۸۴۵ ع کو زيد نے داخل کيا	گنيشي رام	۵ فبروري سنه ۱۸۴۵ ع بدست محمد علي ۵ روپيه		۷ فبروري سنه ۱۸۴۵ ع	۱۵ مارچ سنه ۱۸۴۵ ع	۷ مئي سنه ۱۸۴۵ ع کو زيد نے ايک روپيه ۸ آنه واپس پايا	رهائي بعد ادا ے زر مطلوبه

نمبر ۱۰

یہي مقدمات متفرقات یعنی ہر قسم کا کام ہر سواے متعلق مقدمات نمبري اور احراے ڈگري اور عدرداري
کي نالت اُسي محکمہ منصفي خواہ بموجب حکم دوسرے محکمہجات کے واجب التعمیل ہو

۱	۲	۳	۴	۵	۶	۷
نمبر شمار	نام اُس محکمہ کا جہاں سے یہہ مقدمہ متعلق ہی مع نمبر مقدمہ نالت اُس محکمہ کے	تاریخ داخل ہونے یا وصول ہونے کاغذ کي	نام کاغذ بقید تاریخ اور ذکر امر واجب التعمیل کا	نام متخاصمین مقدمہ	نام اُس شخص کا جسکي درخوست کے مطابق حکم صادر ہوا ہو	خلاصہ حکم مختصر مع تاریخ

نمبر ۱۱

کتاب تفویض کار نه مین اور جمع هونے زر اجرت کي

				نمبر اور صیغه مقدمه	۱
				نام متخاصمین	۲
				تاریخ پروانه مع خلاصه حکم	۳
				تعداد زر مجتمعه بقید تاریخ و دستخط داخل کننده	۴
				تاریخ اجراے پروانه بذریعه تهانه یا کسطرح	۵
				تاریخ ورود حکم کي امین کے پاس	۶
				کام جسکے واسطے امین مقرر هوا اور مدت تعمیل اُسکے کي	۷
				تاریخ ارسال نصف زر اجرت امین کے پاس بقید نام برنده	۸
				تاریخ ارسال بقیه زر اجرت کے بعد تکمیل کار مفوضه کے بقید نام برنده	۹
				تاریخ واپس دینے زر اجرت کي داخل کننده کو بقید تعداد زر اور دستخط پاننده اور دستخط شاهدان	۱۰
				تاریخ رسید امین دیناں زر اجرت بقید نام برنده	۱۱
				کیفیت تعمیل کار مفوضه	۱۲

نمبر ۱۲

بهي جمع و خرچ زر امانت سواے زر طلبا ۵ پیادہ و زر خوری مدعاعلیهم مقید و زر اجرت امین

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰	۱۱	۱۲
نمبر	تاریخ امانت	مادت	تعداد زر	نام امانت کنندہ	دستخط امانت رکھنے والے کا	تاریخ خرچ	تعداد خرچ	خلاصہ حکم جسکے روسے خرچ ہوا رقیدہ تاریخ	دستخط یاددہ مع دوگواہ حاضر باش کچہري	دستخط حاکم	کیفیت

جدول ۱۳

کتاب نقشه جرمانه بموجب چٹھی عام صدر مورخه ۱۵ دسمبر سنه ۱۸۴۷ ع

تاریخ صدور حکم جرمانه		
نمبر جرمانه		
نام اُن شخصوں کا جنپر جرمانه هوا		
سبب هونے جرمانه کا		
مبلغ جرمانه	روپیه	
	آنه	
	پائی	
مبلغ جرمانه جو وصول هوا	روپیه	
	آنه	
	پائی	
تاریخ وصول زر جرمانه کي		
العبد ناظر		
تاریخ ارسال زر وصولي بمحکمه صاحب جج		
العبد خزانچي		
دستخط حاکم		
کیفیت سبب عدم وصول جرمانه یا معاف هونے جرمانه کي		

نمبر ۱۳

نقشہ روزنامچہ مطابق سرکیولر ۱۳ اکتوبر سنہ ۱۸۳۷ ع سوانحکار روزمرہ منصف

تاریخ	تا اکتیس ۳ ۴ ۵ ۶ ۷ ۸
مقدمات متعلقہ نمبری	
خارج بذریعہ راضی نامہ	
خارج بسبب عدم پیروی	
تعداد گواہوں کی جنکا اظہار لیا گیا	
تعداد مقدمہ مدعی جو بعد روبکار کے ملتوی رہے	
تعداد مقدمہ اجرائے ڈگری جو روبکار ہوکر ملتوی رہے	
تعداد مقدمہ متفرقہ جسمیں حکم صادر ہوئے	
تعداد مقدمہ اجرائے ڈگری متعلقہ	
کیفیت	

نمبر ۱۵

بہي سیاهه کاغذات اسٹامپ نقید تاریخ و نام کاغذ و تعداد اسٹامپ عام اس سے که کوئي کاغذ لکھا گیا هو واسطے داخل هونے اُس محکمه کے یا سادہ داخل هو واسطے حصول نقل کے اور واضح هو که اس بہي میں وہ کاغذات جو بطور دلیل یا دستآویز کے گذریں لکھے نجائینگے

نمبر ١٦

يهي فهرست عمله و وكلاء منصفي

١	٢	٣	٤	٥	٦	٧
نام بقيد ولديت	قوم	پيشه ماقبل	مسكن	تعداد عمر	تاريخ تقرر	كيفيت قصورات جنكي ثابت تحريرا چشم نمائي يا جرمانه هواهو اور كيفيت معزولي يا تبديلي يافوت يا استعفا بقيد تاريخ

نمبر ۱۷

کتاب رجسٹر پیادگان مذکوري کچہري صدصفي فلاں ذات سنہ فلاں نموجب سرکیولر ۱۸ ستمبر سنہ ۱۸۴۰ ع

نام پیادہ مقید ولدیت اور قوم	تاریخ تقرر	نمبر چپراس کا	عمر پیادہ	سکونت پیادہ	مختصر حلیہ اُسکا	کیفیت قصور غفلت پیادہ جسکے عیوض میں اُسپر تحریرا چشم نمائي یا جرمانہ ہوا ہو مقید تاریخ

نمبر ۱۸

نقشہ بہی طلبہ و اجرائے اطلاعات و اشتہارات و حکم نامجات و دستکات وغیرہ

۱	نمبر مقدمہ	
۲	نام مدعی	
۳	نام مدعاعلیہ	
۴	اقسام کاغذات	
۵	تعداد یوم	
۶	تعداد ز امانت بابت طلبانہ	
۷	تاریخ امانت	
۸	نام امانت کنندہ	
۹	نمبر چپراس	
۱۰	نام چپراسی	
۱۱	تاریخ معصلامیں حاصل کی	
۱۲	تاریخ مراجعت کی معصل سے	
۱۳	رسید چپراسی	
۱۴	کیفیت	

1

نمبر ۱۹

نہي حاضري و طلبي گواهان

۱	۲	۳	۴	۵	۶	۷	۸	۹
نمبر مقدمه نقيد صيغه	نام متخاصمين يا عذردار	ذکر س بات کا که کسکي درخواست کے موافق گواه طلب هوئے	نام گواهوں کا جو که حاضر هوئے نقيد تعداد	نام حاضر کنندهٔ گواهان	تاريخ حاضري گواهان	تواريخ تحرير اظهار گواهان معه تاريخ رخصت انکے	سبب القواے تحرير اظهارات	کيفيت

نمدر ۲۰	
بهي روانگي لفافجات منصفي ولاس نانت سنه فلاس	

نمبر ۲۱

بہی رجسٹری ضمانت نامجات

۱	۲	۳	۴	۵	۶	۷
نام ضامن	جائداد مکفولہ کی مقدار اور کیفیت	نمبر مقدمہ مع نام متخاصمین جس میں ضامنی لی گئی ہو	غرض ضامنی کی مع تعداد زر ضمانت اور تاریخ حکم لینے ضامنی کی	تاریخ وثیقہ ضامنی کی	تاریخ حکم ناطق بمقتضی منظوری ضامنی	کیفیت

نقشه فاصله دیهات علاقه منصفي فلاں بقید نام تهانه و پرگنه کچهري مدکور بموجب سرکیولر صدر نمبر ۱۸۷۹ لکهی هوئی ۱۸ ستمبر سنه ۱۸۴۰ ع کے

نمبر	نام تهانه	نام موضع و پرگنه	تعداد فاصله کچهري منصفي سے	تعداد ایام میعاد طلبانه چپراسي حساب سے پانچ کوس کے	A

No. 869.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, for the North Western Provinces, direct the publication of the subjoined resolutions for general information.

2. The Court take the opportunity of reminding the Civil Judges, that in their certificates transmitting petitions of appeal, they are required by Circular Order, No. 118, dated 14th November, 1834, to state, whether the decree appealed against, has or has not been carried into execution.

3. Indents should be forwarded to this office for blank forms of the certificates prescribed.

Agra, the 5th June, 1846.

At a Court of Sudder Dewanny Adawlut, held at Agra, on the 19th May, 1845.

Present.

B. Taylor, ...
G. P. Thompson, and .. .... } *Esquires, Judges.*
J. Davidson, ...

Read the Serishtadar's Report, dated 15th ultimo. Whereas it appears, that many petitions of appeal are filed in this Court, wanting the particulars required by clause 3, section 10, Regulation V. of 1803, to be entered therein, it has been

Resolved—That every petition of appeal shall state the Court in which the decree appealed against, was passed, the date on which it was made, the proportion of the claim, in regard to which the appeal may be instituted, the names of all the respondents, as required by Circular Order, No. 21, dated 5th August, 1843, the sum of money, or the value of the property, which may have been decreed, and shall also state, whether the decree have been executed; it is also required, that, if the petition of appeal be presented in the Court by which the appeal is to be tried, an authenticated copy of the decree be filed with the petition of appeal.

2nd. *Resolved*—Further, that the above requirements shall be observed in petitions of special appeal, with this addition, that such applications must always be accompanied by copies of the several decrees previously passed in the case, and must be presented within the period limited for the presentation of regular appeals.

3rd. *Resolved*—That petitions of appeal, wanting specification of the several matters above noticed, shall not be receivable, unless the appellant amend the error by presentation of a supplementary petition, within the period allowed by law for the institution of an appeal.

At a Court of Sudder Dewanny Adawlut, held at Agra, on Friday, the 5th June, 1846

Present.

G. P. Thompson, ...
C. R. Cartwright, ... } *Esquires.*
Judges, and
A. W. Begbie, ...
Offg. Judge,

Read Extract from the proceedings of Mr. Cartwright, dated 5th May, 1846.

Resolved—That the particulars required by the 1st paragraph of the Court's resolution, dated 19th May, 1845, to be inserted in petitions of appeal, shall be exhibited, not with the mowjibat, or reasons for appealing, but in the first petition of appeal, and that, whether such petition be presented in the Court by which the appeal is to be tried, or in the Court by which the decision may have been passed in the first instance, the omission of those particulars shall bar the admission of the appeal, unless the error be amended by the presentation of a supplementary petition within the period allowed by law for the institution of an appeal.

No. 903.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut promulgate the following resolution for the guidance of the Civil authorities, and the information of all parties interested.

Agra, the 19th June, 1846.

At a Court of Sudder Dewanny Adawlut, held at Agra, on Friday, the 19th June, 1846,
Present.

G. P. Thompson, .. C. R. Cartwright, .. *Judges*, .. } and A. W. Begbie, .. *Offg. Judge*, .. } *Esquires.*

With reference to the provisions of Act XIX. of 1843, and with the view to obviate the disputes which not infrequently arise owing to the alleged alienation of property, pledged as security in civil cases, the Court resolve—

That all security bonds, for whatever purpose the security may be required, whether for costs of respondent in appeals to the Queen in Council, or under the terms of clause 1, section 5, Regulation II. of 1806, or any other law or authoritative order, shall be duly registered according to the rules now in force, or which may be hereafter enjoined, and that the registration of such bonds shall be deemed indispensable to their acceptance as good and valid securities.

No. 945.

To the Civil Judges in the North Western Provinces.

The Court are pleased to prescribe the following forms for use under Act XXIII. 1840, in addition to those communicated with the Circular Orders Nos. 140, and 218, dated respectively the 1st March, 1841, and the 15th July 1842, (Western Provinces the 18th June, 1841, and the 22nd August, 1842).

1.—Notice to respondent.

2.—Proclamation for the attendance of the respondent.

3.—Notice to mortgager for the redemption of mortgage and conditional sale of land.

4.—Notification of the death, dismissal, resignation, or absence of a vakeel.

5.—Notice to plaintiff to prosecute a remanded case.

6.—Notice to defendant to defend a remanded case.

7.—Proclamation for the appearance of the plaintiff in a remanded case.

8.—Proclamation for the appearance of the defendant in a remanded case.

9.—Subpœna to produce books and papers.

10.—Security bond to be executed by the surety of an appellant.

Agra, the 15*th May*, 1846.

No. 1.

Notice to Respondent.

In the Court of _____ for the zillah of _____

_____ APPELLANT.

versus

_____ RESPONDENT.

To _____

Whereas _____ has presented a petition of appeal praying for the reversal of the decision of the Court _____ dated _____ 1845, awarding to you possession of _____ in zillah _____, you are hereby required to acknowledge the receipt of this notice, and further to appear in person or by vakeel in the court of _____ and to deliver an answer to the petition of appeal on or before the

Given under my hand and the seal of the Court, this

A. B.,

Judge.

L. S.

No. 2.

Proclamation for the attendance of the Respondent.

In the Court of — — — — for the — of —

— — — APPELLANT.

versus

— — — — — — RESPONDENT.

To — — — — —

Whereas — — has presented a petition of appeal, praying for the reversal of the decision of the Court of the — dated — — awarding to you possession of — in zillah — — — and whereas a notice was duly issued, requiring you to attend and to deliver an answer to the petition of appeal on or before the — day of — — — — —; and whereas it appears from the return of the Nazir (or from the return of the Deputy Sheriff of Calcutta) that after diligent search you were not to be found, and that the said notice was not served upon you according to the exigence thereof, proclamation therefore is hereby made that if you do not appear in person or by vakeel on or before the — — — — the Court will proceed to try the cause *ex parte* and give judgment, as if you had appeared, and answered to the plaint.

Given under my hand and the seal of the Court, this

A. B.,
Judge.

L. S.

No. 3.

Notice to Mortgager for the redemption of Mortgage and conditional Sale of Land.

In the Court of — — — for the zillah of — —.

To — — of

Whereas — — of — has, in a petition, dated the — — — — — of which a copy is hereunto annexed, applied to this Court, for foreclosing the mortgage and rendering conclusive the sale of certain landed property situate in this zillah, agreeably to the provisions of the deed of mortgage and conditional sale which he holds,—You are hereby required to take notice that if you shall not, in the manner provided for by section 7, Regulation XVII. 1806, and within one year from the date of this notice, redeem the property mortgaged to the aforesaid — — — — the mortgage will be finally foreclosed, and the conditional sale will become conclusive.

Given under my hand and the seal of the Court, this

A. B.,
Judge.

L. S.

No. 4.

Notification of the death, dismissal, resignation, or absence of a Vakeel.

In the Court of — ——— for the zillah of ———

——— of ——— PLAINTIFF.

versus

——— of ——— DEFENDANT.

Whereas ——— one of the vakeels engaged in the above mentioned causes, depending in this Court (or in the court of the Moonsiff of ———) has demised* the parties thereto are required within six weeks (or two months) from this date to appear in person at the said Court or to substitute other vakeels in the room of the said ——— — formerly appointed by them.

Or has been dismissed, or has resigned, or has been long absent.

Given under my hand and the seal of the Court, this

A. B.,
Judge.

L. S.

No. 5.

Notice to Plaintiff to prosecute a remanded case.

In the Court of ——— for the zillah of ———

——— of ——— PLAINTIFF.

versus

——— of ——— DEFENDANT.

To ——— of ———

Whereas the case of ——— of ——— wherein you are plaintiff, which was decided by this Court (or the Court of the Moonsiff) of ——— under date ——— has been remanded by the Court of ——— for further investigation, (or to be tried *de novo*) with directions that it be restored to its original number on the file of this Court; and it appears on inquiry that no vakeel is in attendance in this Court to represent you in this suit;* take notice, therefore, that in the event of your failing to adopt measures, either in person or by vakeel for the prosecution of your suit for the period of six weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default.

* Or that the vakeel retained by you during the previous investigation of the suit, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case.

Given under my hand and the seal of the Court, this ——— day of ———

A. B.,
Judge.

L. S.

No. 6.

Notice to Defendant to defend a remanded case.

In the Court of ———————— for the zillah of ————————

———— of ———————— PLAINTIFF.

versus

———— of ———————— DEFENDANT.

To ———————— of ————————

Whereas the case of ———————— of ———————— *versus* ———————— of ———————— wherein you are defendant, which was decided by this Court (or by the Court of the Principal Sudder Ameen), under date the ———————— has been remanded by the Court of ———————— for further investigation (or to be tried *de novo*) with directions that it be restored to its original number on the file of this Court, and it appears on enquiry that no vakeel is in attendance in this Court to represent you in the suit;* take notice, therefore, that in the event of your failing to adopt measures either in person, or by vakeel, on or before the ———————— to make answer in the said suit, the Court will proceed to try the same *ex parte* and give judgment as if you had appeared and answered to the plaint.

* Or that the vakeel retained by you during the previous investigation of the case, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case.

Given under my hand and the seal of the Court, this ———— day of ————

A. B.,
Judge.

L. S.

No. 7.

Proclamation for the appearance of the Plaintiff in a remanded case.

In the Court of ———————— for the zillah of ————————

———— of ———————— PLAINTIFF.

versus

———— of ———————— DEFENDANT.

To ———————— of ————————

Whereas the case of ———————— of ———————— *versus* ———————— of ———————— wherein you are plaintiff, which was decided by this Court (or the Court of the Moonsiff) under date ———————— has been remanded by the Court of ———————— for further investigation, (or to be tried *de novo*) with directions that it be restored to its original number on the file of this Court; and whereas a notice was duly issued requiring you to adopt measures to prosecute the said case; and whereas it appears from the return of the nazir (or the Deputy Sheriff of Calcutta), that after diligent search, you were not to be found, and that the said notice was not served upon you according to the exigence thereof: proclamation is therefore hereby made that in the event of your failing to adopt measures for the prosecution of your suit for the period of six

weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default.

Given under my hand and the seal of the Court, this ——— day of ———

A. B.,
Judge.

L. S.

No. 8.

Proclamation for the appearance of the Defendant in a remanded case.

In the Court of ——— for the zillah of ———

——— of ——— PLAINTIFF.

versus

——— of ——— DEFENDANT.

To ———

Whereas the case of ——— of ——— *versus* ——— of ——— wherein you are defendant, which was decided by this court (or the court of the Moonsiff of ———) under date the ——— has been remanded by the court of ——— for further investigation, (or to be tried *de novo*) with directions that it be restored to its original number on the file of this court, and whereas a notice was duly issued, requiring you to adopt measures to make answer in the said suit, and whereas it appears from the returns of the nazir (or the Deputy Sheriff of Calcutta) that after diligent search you were not to be found, and that the said notice was not served upon you according to the exigence thereof; proclamation is therefore hereby made that if you do not appear in person or by vakeel on or before the ——— to make answer in the said suit, the court will proceed to try the same *ex parte*, and give judgment, in the same manner as if you had appeared and answered to the plaint.

Given under my hand and the seal of the Court, this ——— day of ———

A. B.,
Judge.

L. S.

No. 9.

Subpœna to produce Books and Papers.

In the Court of ——— for the zillah of ———

——— of ——— APPELLANT.

versus

——— of ——— RESPONDENT.

To ——— of ———

Whereas your attendance is required to give evidence in the above cause, you are hereby required personally to appear before the Court of Sudder Dewanny Adawlut, on

the ——— of ——— next, and to take with you the registry books of the Bank of ——— ——— ——— in which the undermentioned Notes of the said Bank are registered, viz.

Nos. ——— each for Sa. Rs. 500.

Nos. ——— each for Sa. Rs. 1,000.

Given under my hand and the seal of the Court, this ——— day of ——— 184 —

A. B.,
Judge.

L. S.

No. 10.

Security Bond to be executed by the surety of an Appellant.

Whereas an appeal has been preferred in the Court of Sudder Dewanny Adawlut, by ——— from a decision passed against him and in favor of ——— by the ——— of zillah ——— pergunnah ——— and whereas I ——— inhabitant of ——— have voluntarily become security for the performance of the said ——— of all orders which may be passed thereon; I do hereby engage and bind myself, my heirs and successors, that the said ——— shall pay the respondent the said ——— or his representatives, whatever sum may be adjudged by the ——— to the said respondent, or his representatives, in default of which, I, my heirs and successors, will be answerable for such sum as may be adjudged against him, and for the performance of whatever order or decree may be passed against him in the appeal abovementioned.

Dated this ——— day of ——— 184

Sealed and delivered in the presence of A. B. and C. D.

No. 1032.

To the Civil Judges in the North Western Provinces.

Pursuant to the instructions of the Government, the Court direct that a statement, in the subjoined form, on account of your own and the subordinate district courts, be furnished monthly to the Collector, to enable that officer to take measures for recovering the amount due to the Government on account of stamp fees in pauper suits.

Statement of pauper suits decided in the month of ——— 184— *in the Courts of Zillah*———

Court in which the suits are decided.	No. of suit.	Names of parties.	Amount due to the Government on account of Stamp fees.	Party declared liable for the amount.

Agra, the 24th April, 1846.

No. 1134.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut for the North Western Provinces, publish, for general information, the subjoined rules for the examination of candidates for the office of pleader in the Civil courts of the East India Company, under section 4, Act I. of 1846.

2. The Judges will be pleased to observe, that certain portions of the rules in force for the examination of candidates, for judicial employment as Moonsiffs, are declared applicable to the examinations now directed, and that the forms of application to be submitted by persons wishing to be examined, and of certificate to be filled up by the Judge, are to be adopted, *mutatis mutandis*, in cases falling under the following rules.

3. It is requested, that the attention of the pleaders, now practising in the several Civil courts, be called to the extension to them of the 10th of the rules dated 4th August, 1840.

4. The Judges of Bareilly, Agra, and Benares will, as directed in the 3rd paragraph of the Court's letter to their address, dated 20th October, 1841, [*vide* page 138, Vol. III. printed addition of Circular Orders,] report to the Court at least 6 weeks before the date fixed for each periodical examination, the number of candidates whose applications have been received, when the Court will furnish the Committee with instructions for conducting the examination, as well as with the necessary papers.

Rules for the examination of candidates for the office of pleader in the courts of the East India Company, under section 4, *Act I. of* 1846.

1. No person shall be admitted to an examination, with a view to his qualifying as pleader in any of the courts of the East India Company, without presenting the testimonials as to character and acquirements, required from candidates for Moonsiffships.

II. The divisional committees, which assemble annually at the stations of Bareilly, Agra and Benares for the examination of candidates for the office of Moonsiff, shall for the present be considered as boards of examination of candidates for pleadership. The Judge, Magistrate and Principal Sudder Ameen in each zillah, shall, in particular cases, and with the previous sanction of the Sudder Dewanny Adawlut, form a similar committee of examination for passing candidates at any other time than that fixed for the annual examination.

III. A system of marks shall be adopted, and the value of all the questions shall be assumed at 100; such candidates as shall not obtain 60 of these shall be rejected, while those who get 60 and not more than 75, shall receive a certificate to enable them to practise in a Moonsiff's court; the attainment of not less than 75, nor more than 85, marks shall entitle the candidate to a certificate as pleader in the court of Sudder Ameen, and of more than 85 marks to a certificate of qualification as pleader in that of the Principal Sudder Ameen and Judge.

IV. The holder of a certificate as pleader in an inferior court may, by obtaining the requisite number of marks at any subsequent examination, receive a certificate to practise in such Court of a higher grade, as the number of his marks may entitle him to.

V. The holder of a certificate to plead in a higher court shall be eligible for the office of a pleader in a lower Court on application.

VI. A certificate granted in one district, shall entitle the holder of it to obtain a pleadership in another district in the grade of court, for which he may have passed.

VII. Persons who being in possession of diplomas, are eligible for the office of Moonsiff, but not in employment as such, shall be entitled on application to obtain a pleader's certificate, to practise either in the Sudder or in any of the zillah courts, provided, however, that the Sudder Dewanny Adawlut, before admitting such a party to practise as pleader in that court, shall have the option of subjecting him to such special examination and in such manner, as they may deem fitting.

VIII. Rules 2, 3, 5, 6 and 10, dated 4th August, 1840, and rules 1, 2, 3, 6 and 7, with exception of the last clause, beginning "and at the same time forward, &c.," and 9—14, of the rules subsequently issued [vide Government Gazette dated 16th March, 1841, and page 125—127, vol. 3, Circular Orders Sudder Dewanny Adawlut], shall be applicable to the examination of candidates for pleaderships.

Agra, the 3rd August, 1846.

No. 1442.

To the Civil Judges in the North Western Provinces.

The Court having had occasion to notice the irregular transfer of cases from heading 12 of the Judge's to heading 13 of the Principal Sudder Ameen's file in the monthly statement No. 2, are pleased to communicate the following rule regarding such cases.

2. When the case is entered in heading 12 of that statement, it is a case *quoad* the grounds of action under Act IX. 1839. On the Judge passing his order on that point, the case will be entered in column 7, as disposed of on its merits. There will remain for consideration the question of pauperism, which admits of being transferred to the Principal Sudder Ameen for determination, and will then be entered in heading 13, column 3, as instituted in the Judge's Court. If the case be transferred to the Principal Sudder Ameen, it will appear in column 6 as transferred, and subsequently in that part of the statement, appropriated to the Principal Sudder Ameen, as received by transfer (column 14).

Agra, the 21*st August,* 1846.

No. 1671.

To the Civil Authorities in the North Western Provinces.

The majority of the Courts of Sudder Dewanny Adawlut, considering the principle of Construction No. 866, to be at variance with that of Construction No. 351, are pleased to rescind the former, and to notify such rescission accordingly.

Agra, the 6*th November,* 1846.

No. 1704.

To the Civil Judges in the North Western Provinces.

With reference to the Circular Order No. 1032 of the 17th July last, regarding recovery of sums due to the Government on account of stamp fees in pauper suits, and in modification of the monthly statement thereby directed to be furnished to the Collector on the subject, I am instructed by the Court to request that you will supply the information according to subjoined form, on account of your own and subordinate Courts.

Agra, the 2*nd October,* 1846.

FORM.

Statement shewing the number of pauper suits decided in the Civil courts of Zillah ———— in the month of ———— with the amount of stamp duty leviable on the amount of the suits decided.

By whom decided.	Date of institution of suit	Number of the suit as per file, whether regular or appeal.		Names of suitors with their places of residence	Nature of the suit.	When decided	Substance of the order passed.	Amounts of suits decided.			Stamp duty leviable as per the regulations.			Remarks.
Judge.	10th May 184	1231	Regular,	Joydeb Pundit, plaintiff, of thannah Rambag, pergunnah Bhowanigunge *versus* Jogessur Roy defendant, of thannal Churruckdangah, pergunnah Joypore.	Loan of Sic Rs. 12,132, 13 annas 13 gundas on mortgage of landed property.	13th June, 184	Decreed with costs in favor of plaintiff.	14,519	7	15	982	10	4	
P. S. A.	22ndApril 184	1238	Appeal,	Ramsurn Bhut, defendant appellant of thannah Sundeep, pergunnah Aitch, *versus* Gopaulbullub Roy, plaintiff respondent, of thannah Bistopoor pergunnah Jugdeespore.	Claim of 8 annas share in talook Shumsheregunge estimated value 418-7-4.	11th May, 184	Decision of the Moonsiff's court dismissing the suit reversed, and 8 annas share adjudged to appellant.	513	4	6	52	4	3	
S. A.	8th Jany. 184	521	Regular,	Gopaul Lall Dutt, plaintiff of thannah, pergunnah D. *versus* Ahmed Kassim, defendant of thannah P pergunnah E.	Revenue of 10 beegahs of paddy land forcibly possessed by defendant.	12th April, 184	Decreed with interest in favor of plaintiff.	452	1	9	47	5	6	
Moonsiff of Thannah Nabobgunge.	7th Decr. 184	413	Ditto,	Ramahorre Tewarry, plaintiff, of thannah N. Pergunnah G. *versus* Samsoonder Mundul of the same place.	Loan on Tamasook.	11th Ditto,	Ditto with costs.	192	3	2	17	5	6	

Zillah
Dewanny Adawlut,
The 184 .

C. D.,
Judge.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1846.

No. 461.

To the Sessions Judges in the North Western Provinces, and Saugor and Nerbudda Territories.

The Court of Nizamut Adawlut, for the North Western Provinces, hereby notify, that Construction No. 959, which rules, that the power of a Sessions Judge to fine is unrestricted as to amount, having been issued without the concurrence of this Court, must be considered to have operation and effect in the lower Provinces only.

Agra, the 2nd May, 1846.

No. 492.

To the Sessions Judges in the North Western Provinces, Saugor and Nerbudda Territories and Commissioner of Kumaon.

The Court desire, that Sessions Judges, in referring trials for the final orders of the Nizamut Adawlut, will insert in the marginal note, prescribed by the 10th paragraph of Circular Order, Nizamut Adawlut, No. 54, dated 16th July, 1830, the names of those prisoners only in regard to whom the reference is made, the inclusion of others, who have either died or escaped prior to the termination of the trial, or been acquitted or sentenced by the Sessions Judge, being calculated only to create confusion and to mislead without being productive of any corresponding benefit.

2. It will be unnecessary under the operation of this rule to submit transcripts of such portions of the record, as may relate exclusively to the prisoners, in regard to whom the trial, for whatever reason, may not be referred to the Nizamut Adawlut, such,

for instance, as the defence of such prisoners, or the deposition of witnesses, called on their behalf.

Agra, the 16*th May,* 1846.

No. 628.

To the Criminal Authorities in the North Western Provinces.

The Court circulate the subjoined amendment of an error in the Persian and Bengalee versions of clause 1, section 24, Regulation XX. 1817.

Agra, the 1*st May,* 1846.

قانون ۲۰ سنه ۱۸۱۷ ع

دفعه ۲۴ ممیں اول

غلط	صحیح
یک قطعه سمن مثنته بدستخط خود و مهر	یک قطعه سمن مثنته بدستخط خود و مهر
تهانه معرفت برقندار یا محتارکار معروف مدعي	تهانه معرفت برقندار یا محتارکار معروف مدعی علیه
بر مدعی علیه جاري نمایند الخ	بر مدعی علیه جاري نمایند الخ

No. 766.

To the several Criminal Authorities in the North Western Provinces.

Pursuant to the orders of Government, the Court publish, for the information of the Criminal authorities, the accompanying copy of a correspondence regarding the nature of the assistance which Magistrates are expected to afford Sheriff's officers entrusted with the execution of writs of *capias* issued by the Supreme Court against parties residing in the mofussil.

Agra, the 12*th June,* 1846.

No. 84.

From A. Campbell, *Esquire, Magistrate of Darjeeling, to* F. J. Halliday, *Esquire, Secretary to Government of Bengal, Fort William, Dated Darjeeling, the* 29*th April,* 1846.

I have the honor to request that you will procure for me the opinion of the Advocate General on my proceeding as noted in the margin,* and such opinion as may guide me in deciding on any further steps that may be taken before me in the matter by the Sheriff's bailiff,

Letter of Sheriff's officer, dated 27th April with order thereon.
Letter of ditto, dated 28th with order thereon of the 29th.

either with or without a "writ of assistance" or other process issued by the Supreme Court.

2. I have grounded my proceedings on the absence of any sanction in the Regulations to compliance with the Sheriff's officer's requisitions, and on decisions of the Sudder Courts noted underneath.

1. Circular Order, No. 765, dated March 8th 1833.
2. No. 800, dated 21st June, 1833.
3. No. 636, dated 20th May, 1831.

To A. CAMPBELL, *Esquire, Magistrate of Darjeeling.*

I have to request you will give me a *posse* of your police force to assist, and protect me in the execution of my duty, in conveying ———— under civil arrest to Calcutta.

(Signed) W. GRANT,
Sheriff's Officer.

Darjeeling, 27th April, 1846.

ORDER—If the Sheriff's officer desires protection, he must make affidavit to his belief that such is requisite: assistance in the conveyance of a prisoner under civil arrest, is not directed by the Regulations.

Darjeeling, 28th April, 1846.

To A. CAMPBELL, *Esquire, Magistrate of Darjeeling.*

I am in receipt of your order passed upon my letter of yesterday's date, requesting the assistance and protection of your police force in the execution of my duty in conveying ———— under civil arrest to Calcutta.

I have the honor to observe that I consider it necessary to call upon you for a police force to protect and assist me in the execution of my duty in conveying ———— under civil arrest to Calcutta, on account of the position I stand in with ———— he having threatened to break every bone in my body if I went over to his house.

If you require an affidavit to the facts, I am ready, (at any time you think proper) to give it.

I request the favor of your reply, and respectfully beg to call your attention to the Sheriff's official letter of the 5th ultimo.

(Signed) W. GRANT,
Sheriff's Officer.

Darjeeling, 28th April, 1846.

Sworn to before me this twenty-ninth day of April, one thousand eight hundred and forty-six.

Darjeeling, April 29th, 1846.

Order on the letter of Mr. Grant, Sheriff's officer, dated Darjeeling, 28th April, 1846.

The Magistrate does not consider the Sheriff's letter to his address of the 5th March, tantamount to a "writ of assistance" issued by the Supreme Court, he will not afford protection to the Sheriff's officer in the invasion of premises, and the Regulations do not authorize him to assist at all in conveying a prisoner under civil arrest to the Sheriff.

Darjeeling, April 29th, 1846.

No. 882.

To T. B. SWINHOE, *Esquire, Solicitor to the Honorable East India Company.*

JUDICIAL.

I am directed by the Hon'ble the Deputy Governor of Bengal to transmit in original the accompanying letter, No. 84, of the 29th ultimo, with enclosures from the Superintendent of Darjeeling, and to request that you will obtain the opinion of the Advocate General in the case therein alluded to.

2. It is requested that the original enclosures may be returned with your reply.

Fort William, the 13th May, 1846.

OPINION.

Mr. Campbell seems to labor under considerable misapprehension as to the authority under which the Sheriff's officer is acting.

The Sheriff's letter is little more than an act of courtesy, important only as conveying notice to the Magistrate, that his assistance may be required.

The authority under which the Sheriff, or his bailiff in his place, is acting, is a writ of *capias* issued out of the Supreme Court on its common law side, directed to the Sheriff and commanding him to seize the body of ——————————— and to have it at a certain time and place before the Court, &c.

A writ of assistance, the execution of which the Magistrate seems to admit he would be bound to aid, is a writ issuing out of the Supreme Court on its equity side directed also to the Sheriff and commanding him to put a certain person into the possession of certain premises.

It seems to me that a Magistrate in the mofussil is bound to aid the due execution of the former writ, upon precisely the same principle as that on which he is bound to assist in the execution of the latter. The only difference between them in respect of

authority is, that whereas doubts may have existed heretofore as to the power of the Court to decree possession of lands in the mofussil, none has ever existed as to its power to take, either on mesne process, or in execution, the bodies of British subjects within the local limits of its jurisdiction.

Now upon referring to Mr. Advocate General Pearson's letter of the 21st of July, 1820, which appears to have been ever since very properly acted upon (see Circular Orders of the Sudder Dewanny Adawlut, Vol. II No. 31, and Construction by the Sudder Dewanny Adawlut and Nizamut Adawlut, Vol. II. No. 636, the last being one of the authorities referred to by Mr. Campbell) it will be found that the obligation of the mofussil authorities to lend their aid to the execution of a writ of assistance does not depend upon the peculiar nature or terms of that writ, but upon the force of the 39th section of the Charter of Justice and the analogy between the power of the Sheriff, to call for assistance under that section, and the power of a Sheriff in England to call upon the *posse comitatus.*

Applying that principle to the present case, it seems to follow that whereas in England the Sheriff, where assistance is required, is, in the execution of a *capias ad-satisfaciendum, bound,* and is in the execution of a *capias ad-respondendum at liberty* to call upon the *posse comitatus,* so here if he has occasion to call upon the Magistrate for assistance, the Magistrate ought to render it.

That assistance ought of course to be confined to the legal execution of the writ; for instance the police officers furnished by the Magistrate ought not to aid the bailiff in breaking into a house, but they accompany him if he enter the premises without breaking in, and ought to prevent any breach of the peace when the arrest is made or rescue after it has been made.

I do not see that the obligation upon the Magistrate extends so far as to make it necessary for him to furnish men to assist in the conveyance of the prisoner to Calcutta.

May 15th, 1846.

No. 1117.

JUDICIAL.

To A. CAMPBELL, *Esquire, Superintendent of Darjeeling.*

I am directed by the Hon'ble the Deputy Governor of Bengal to acknowledge the receipt of your letter No. 84, of the 29th ultimo, with enclosures, and in reply to transmit, for your information and guidance, the accompanying copy of the Advocate General's opinion on the points therein referred.

Fort William, the 20th May, 1846.

No. 848.

To the several Criminal Authorities in the North Western Provinces.

The Court, having observed discrepancies between the charge in English and its counterpart in the vernacular, as regards the terms "accomplice" and "accessary"

are pleased to direct that those words be rendered uniformly, as follows viz. the charge of having been an "accomplice" by شرکت or رفاقت and of having been an "accessary" or "privy to" by رازداري. The circumstance of having been such before, or after, or both before and after the fact, being expressed by رازداري قبل جرم or رازداري بعد جرم or رازداري قبل و بعد جرم. To express "aiding and abetting" the term اعانت should be employed.

Agra, the 21*st August*, 1846.

No. 936.

To the Criminal Authorities in the North Western Provinces.

Pursuant to the orders of Government, the Court publish for the information of the Criminal authorities the accompanying copy of the Advocate General's further opinion on the subject of their Circular Order, No. 8, of the 12th ultimo, viz. the nature of the assistance, which Magistrates are expected to afford the Sheriff's officers, entrusted with the execution of writs of *capias*, issued by the Supreme Court against parties residing in the mofussil.

Agra, the 10*th July*, 1846.

OPINION.

My observations, regarding Mr. Campbell's supposed misapprehension of the Sheriff's officer's authority, had reference to Mr. Campbell's proposition (which distinctly appeared in the papers before me), that he was not bound to give the aid required, because the writ was not a *writ of assistance.* It therefore seemed to be not wholly beside the question to shew that, if the Magistrate were bound to assist in the execution of the one writ, he was, by parity of reasoning, equally bound to assist in the execution of the other.

It now appears, though to the best of my recollection it did not appear from the former case, that the arrest has been effected; and, since no escape or rescue is mentioned, I conclude that the prisoner is still in custody. The simple question referred to me seems to be, is, under these circumstances, the Magistrate to grant to the Sheriff's officer, who is under apprehension of violence a *posse* to assist in the conveyance of the prisoner to Calcutta? Mr. Campbell says that the two last paragraphs of my former opinion *preclude* him from complying with the bailiff's requisition. I do not think they go quite so far as that; the last but one would rather imply the contrary, for the writ cannot be said to be fully *executed*, until the prisoner is conveyed to Calcutta. The last states only that "in my opinion the Magistrate is not *bound* to furnish men to assist &c. &c.," not that he would act *illegally* in doing so. By the opinion expressed in that paragraph, I abide, for the following reasons.

The obligation on the mofussil Magistrates to assist in the execution of process issuing out of the Supreme Court, whether it be a perfect or an imperfect obligation,

seems to arise out of the last clause, in the Charter of Justice, which contains substantially the same injunction as that contained in the patent of assistance granted to Sheriffs in England, and in which their power to raise the *posse comitatus* is supposed to be implied (see Dalton's Office of Sheriff, pp. 5 and 8). Now, according to the unanimous opinion of the Judges, as delivered to the House of Lords in *Miller versus Knox* 4 *Bing. N. C.* 574, the Sheriff has power even though there be only a shew of intended resistance to call upon such persons as are of proper *age, and fit and able to travel,* and especially ministerial officers, as constables, and the like, to assist him in the execution of the writ within the country, and such persons are punishable if they refuse to assist. It seems, however, very questionable whether this can be said to be the law of this country. In England the jurisdiction of the Sheriff, and consequently the liability of those who are called upon to assist, is confined to the bounds of a county. Here the writs, which the Sheriff of Calcutta executes, run through the whole of the vast province of Bengal; and it seems preposterous to contend that, in the absence of any express enactment and by the mere force of analogy, an individual at Delhie, may be compelled to assist a Sheriff's officer in the transport of a prisoner to Calcutta. Again, I am not aware, that the obligation resulting or supposed to result from the last clause of the Charter has ever been enforced, or could be enforced, by indictment, or information, as the obligation to assist the Sheriff might be enforced in England. Its performance, therefore, seems to depend mainly upon the instructions to be given by the Government to its Magistrates and other subordinate officers, and though it would certainly not be very creditable to the Government of any country to permit the process of a competent court to be successfully defied, yet it seems rather too much to say that the Government is to undertake the expence of escorting persons taken on civil process from one end of the province to the other, or supposing it indemnified against the expence, that it is to denude for such purposes a district of its requisite police force.

In the particular case in question, there seems to be no apprehension of a forcible rescue by numbers, but a mere apprehension of violence on part of the prisoner. I confess I cannot see why, in such a case, the bailiff should not take steps before the nearest justice of peace to have his prisoner bound over in heavy penalties to keep the peace towards him, or why he should not himself hire a sufficient number of fellows to prevent the escape of one man, however powerful and violent he may be.

I therefore repeat my opinion, that the Magistrate is not bound to furnish a *posse* of men to assist in the conveyance of the prisoner, but I cannot think that he would incur any *legal* responsibility in so doing, should he think that there is any thing in the special circumstances of the case, which requires such extraordinary assistance, and if I were to venture to lay down any general rule of conduct for the guidance of Magistrates in such cases, it would be this, that when required so to do, they take such measures as may be necessary to insure the peaceable execution of legal process within the limits of their own district or local jurisdiction, not travelling beyond it. Such a rule, if applied to the present case, would induce Mr. Campbell to provide for the peaceable removal of ———————— from Darjeeling, but not for his transport to Calcutta. I have given my opinion at this length, because, from all I can learn, the case, in all its circumstances, is a novel one.

(Signed) J. W. COLVILLE.

June 16*th*, 1846.

T

No. 1113.

To the Criminal Authorities in the North Western Provinces.

The Court are pleased to prescribe the following form of writ, for the attachment of moveable or immoveable property of persons charged with criminal offences who have absconded, to be used under Act XXIII. 1840. The words "land or other immoveable property" being employed when the attachment has reference to rule in clause 4, section 26, Regulation XX. 1817; and the words "goods, effects, or other property" when it has reference to clause 6, of that section.

Writ for attachment of property of persons charged with criminal offences, who have absconded.

To Mohummud Ally,

Nazir of the Fouzdary Court of Zillah Hooghly.

Whereas a warrant was issued on the ———— for the apprehension of Ramdhun Bose, inhabitant of Byedbatty, to answer to a charge of ———— and afterwards a proclamation was made, in conformity to section 4, Regulation III. of 1804, for the appearance of the said Ramdhun Bose; and whereas the said Ramdhun Bose has failed to make his appearance within the time limited in the said proclamation, you are therefore hereby authorized and commanded to attach and sequestrate any (land or other immoveable property, goods and effects or other property) belonging to or possessed by the said Ramdhun Bose, and to hold the same under attachment and sequestration until otherwise commanded.

Dated the 15th day of August, 1846. A. B.,

Agra, the 28th August, 1846. *Magistrate.*

No. 1145.

To the Criminal Authorities in the North Western Provinces.

The Courts of Nizamut Adawlut, for the Lower and North Western Provinces, having re-considered their Circular Order, No. 1, dated (Lower Provinces), 15th September, and (Western Provinces), 10th November, 1837, are agreed, that it needs amendment, giving too restricted a meaning to the provisions of section 6, Regulation II. of 1834; the Courts are of opinion that all offences, which are opposed to the maintenance of discipline in the public jails, are, when committed by "convicts sentenced to labor in irons," punishable with stripes under the law cited, and they are pleased accordingly to declare, that the exception enacted in the said section 6, Regulation II. of 1834, shall be held to extend to the several offences, enumerated in section 5, Regulation XIV. of 1816, as opposed to the maintenance of "good order and discipline" in the jails, whenever such offences may be established against "convicts sentenced to labor in irons."

2. The Court desire it, however, to be borne in mind, that "corporal punishment" must be "moderate," and that it should be inflicted only, when it is thought to be "unavoidable" for the maintenance of the discipline of the jails.

Agra, the 13th November, 1846.

NOTIFICATION

OF THE

SUDDER DEWANNY AND NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1846.

No. 967.

The Court are pleased to publish for general information the following rules, relative to the conduct of oral pleadings in English in the Sudder Dewanny Adawlut, and to intimate that the said rules have been approved by the Governor General of India, as required by section 2, Act XVII. of 1841.

RULES.

With reference to section 5, Act I. of 1846, and the repeal of Regulation XII. of 1833, the Court resolve to adopt the following rules regarding pleading in the English Law.

1. When pleaders, who understand the English language, are employed by both parties to a suit, it shall be at the discretion of the Judge, before whom the case is pending, to direct that the oral pleadings be conducted in that language.

2. When a party to a suit has once appointed a pleader, who can plead in English, a change of pleaders by such party shall be no bar to the Judge, before whom the case is pending, permitting the pleader of the opposite party to plead in that language.

Agra, the 4th July, 1846.

CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1846.

No. 2.

The following rules are issued by the Board, under the authority of Government, for determining the course to be adopted by the Revenue authorities in cases of theekas, kutkinnas, or other sub-leases on the part of proprietors of estates.

(Abstract) RULES regarding SUB-LEASES.

1st Those granted on loans, whether for time fixed or till repayment, to be treated as mortgages, lessee may engage and malgoozaree register be altered 2nd The transfer in other cases will affect only the management Register not to be altered, but f both apply, collections may be made from lessee and credited to proprietor till close of year in which one may withdraw, meanwhile, lessee is responsible in person and property, and estate also liable 3rd Paragraph 40, Circular Order, No 2, prohibiting trial of Sub farmer's plaints for possession, rescinded, and all questions of ouster may be tried as Summary Suit.

1st. In cases where a sub-lease has been granted in consideration of a sum of money, advanced to the proprietor by the lessee, whether this lease is for a fixed term of years, or to continue till the repayment of the amount, the transaction is evidently a mortgage, and should be treated as such. The Collector may admit the lessee to engagements, and may direct the transfer of names in the malgoozaree register,

2nd. In cases, where no such consideration has been given for the lease, the management only, and not the proprietary right, must be held to have been temporarily transferred. There will therefore be no mutation of names in the malgoozaree register, but the transaction may be recognized by the Collector upon the application of both parties, and the tehseeldar may be directed to demand the revenue from the lessee, and to credit it to the estate in his name as on behalf of the proprietor. This arrangement will continue until either party may express his desire to terminate it after the close of the current year; during its continuance, the lessee will be responsible in his person and property for any sums which he may collect from the estate, and the estate itself will also continue liable to sale for any arrears that may become due on account of it.

3rd. The rule contained in paragraph 40, Circular Order No. II. which declares a Collector incompetent under Regulation VIII. 1831, to entertain the plaint of a sub-farmer for possession is rescinded. All differences between landholders and their tenants or ryots, involving the question whether the landholder can legally oust the tenant or ryot from the land which the latter considers himself entitled to occupy, is cognizable as a summary suit, as was ruled by the Sudder Dewanny Adawlut in their Construction No. 482, 9th May, 1828.

The 3rd February, 1846.

No. 3.

Lapsed maaffee tenures and increments of land gained by alluvion.

Board desire that all settlements of such lands now pending be reported as early as possible, and that half-yearly returns, showing the number of cases pending and disposed of, be submitted in future, commencing with the 1st of July next.

Instances having been brought to the notice of the Sudder Board of Revenue, North Western Provinces, in which Collectors of districts have delayed to take prompt measures for bringing under settlement lapsed maaffee tenures and increments of land gained by alluvion, or have omitted to furnish reports of such assessments when made, so as to bring them on the district rent roll, Commissioners of Revenue are requested to call upon the Collectors of districts to report, as early as possible, all settlements now pending in their office, and to furnish for the future half-yearly returns according to the form annexed (to commence with the 1st of July next), shewing the number of cases pending at the close of the last half year, the number open to settlement within that period, and the number of cases settled and reported and still remaining undisposed of, with remarks to account for any delay that has occurred.

Statement of lapsed maaffee tenures and increments of land gained by alluvion open to settlement for the half year of 184—

District.	Pergunnah.	No. of cases pending at the close of the last half year.	No. of cases open to settlement in the half year.	Total.	No. of cases settled and reported within the half year.	No. of cases remaining undisposed of at the close of the half year.	Remarks.

Lapsed maaffee tenures and increments of land gained by alluvion.

The 7th April, 1846.

B.

To all Commissioners in the North Western Provinces.

Erection of private buildings on Government land to be prevented.

Local officers required to prevent the erection by private individuals of buildings on land belonging to Government.

The Sudder Board of Revenue, North Western Provinces, request your attention to the following extract from the order of Government, North Western Provinces, No. 1386, of 1846, dated 31st March, requiring local officers to prevent the erection by private individuals of buildings on land belonging to Government.

Extract, Government Order, No. 1386 *of* 1846, *dated* 31*st March.*

2. I am directed to take this opportunity of bringing the subject generally to the notice of the Board. His Honor has had occasion to observe during his late tour, that considerable laxity prevails regarding it, and requests that local officers may be warned not to permit the erection of any private buildings upon Government ground, without first obtaining due authority for so doing.

Agra, 14*th April,* 1846.

C.

To Commissioners of Divisions, Nos. 1 *to* 5, *Dehlie, Saugor and Kumaon.*

Tables of the prices of agricultural produce and statements of the value of land.

Board request the submission of the above in forms given, in addition to the ordinary statements which accompany the annual administration report.

In addition to the ordinary statements accompanying the annual administration reports, I am directed by the Sudder Board of Revenue to state that they are anxious to receive in the forms annexed to this Circular, tables of the prices of agricultural produce and statements indicative of the value of land in the several districts of your division.

2. The first statement should comprise all the chief articles of agricultural produce peculiar to each district, with a detail of the prices in the present and preceding year. Any notable difference should be briefly explained in the column of remarks.

3. The information required in the second statement is derivable from three sources—*first,* from the record of sales for recovery of arrears of revenue; *secondly,* from private sales registered in the Collector's Court; and *thirdly,* from the result of lands sold in satisfaction of Civil decrees.

4. The two first classes call for no remark. With reference to the third class, the Board would wish to have entered in the statement the specific amount of land which the "general rights and interests" of the defendant are supposed to comprise.

5. The Collector, with his minute registry and record of rights, can have no difficulty in making a close approximation to the truth.

6. These statements, if accurately prepared, will be highly interesting as statistical documents, and the Board express a hope that you will spare no exertions to render them as correct as circumstances will permit.

Agra, the 12th May, 1846.

No. X.

Table of the average prices of agricultural produce in the District of A. during the year 1844-45.

Denomination of produce.	No. of seers per rupee 1843-44.	No. of seers per rupee 1844-45.	Remarks.
Gram, ...			
Jowar, ...			
Bajrah, ...			
Rice, ...			
Wheat, ...			
Barley, ...			
Goor, ...			
Raw Sugar, ...			
Cotton, ...			

No. XI.

Statement of public and private sales of land compiled from Collector's record.

Land sold for arrears of Revenue.								Land sold by private negociation.								Land sold by order of Civil Court.							
Number.	Pergunnah.	Mouzah.	Area sold.	Juma of ditto.	Price paid.	Rate of price per acre.	Per centage of price to Juma.	Number.	Pergunnah.	Mouzah.	Area sold.	Juma of ditto.	Price paid.	Rate of price per acre.	Per centage of price to Juma.	Number.	Pergunnah.	Mouzah.	Area sold.	Juma of ditto.	Price paid.	Rate of price per acre.	Per centage of price to Juma.

N. B.—Fractions of area and juma to be omitted.

E.

To Commissioners of Revenue.

REVENUE.

Sale of Nuzzool Lands.
Collectors and local committees to state that the sale will not be offensive to the feelings and prejudices of any class of the people.

The Sudder Board of Revenue, North Western Provinces, direct me to request that in submitting applications for the sale of nuzzool lands, you will require the Collectors and local committees subject to your control to state, for the satisfaction of Government, that the proposed sale will not be in any respect offensive to the feelings and prejudices of any class of the people.

Agra, the 7th July, 1846.

No. 4.

Butwarrahs.
Rules for the disposal of applications for butwarrah under Regulation XIX. 1814, authorizing Collectors, with consent of parties, to effect the division without dismembering the mouzah into separate mehals.

The following rules for the disposal of applications for butwarrah under Regulation XIX. 1814, are published for general information and guidance by order of the Sudder Board of Revenue, North Western Provinces.

EXTRACT.
* "There can be no doubt of the great evils attaching to the multiplication of minute separate mehals, and of the expediency of discouraging this by all legal means. The Collector should impress upon the people that a separation of interests sufficient for all purposes of internal management, may be effected without the expensive process of a partition under the above Regulation, and that such a separation will also suffice, under Act I. of 1841, except in extreme cases, to confine the penalty of default to the party by whom it has been incurred."

2. With reference to the marginal* extract from the orders of Government, No. 2,317, of the 2d June 1846, the Board observe that, although a Collector cannot legally reject an unopposed application for butwarrah of a joint undivided estate as described in section 30, Regulation XIX. 1814, he can frequently obviate the inconvenience arising from the multiplication of mehals, by adopting a less formal, though equally acceptable process for separating an applicant's share from the general estate. There is no positive necessity, on every requisition for butwarrah, to apply the provisions of Regulation XIX. 1814. A Collector can frequently satisfy parties desirous of defining their shares and of obtaining exclusive possession, without proceeding to break up the mouzah into petty independent mehals.

3. The Board observe that in all cases of butwarrah, regularly admitted, the Collector has no discretion, but must strictly adhere to the letter of Regulation XIX. 1814.

4. In other instances, where the parties cannot legally claim a butwarrah, or, if entitled, are willing to forego that absolute separation of interests, peculiar to separate mehals, the Collector can effect the required division and confer exclusive possession, either through the agency of the tehseeldar assisted by the canoongoe and mirdahs of the pergunnah, or by reference to three or more assessors chosen from among the neighbouring zemindars. Such cases are not considered to require formal confirmation, and

need not be forwarded to the Commissioner, except on his requisition, or for the sake of elucidating a doubtful point.

5. Cases of the former description should be denominated as usual "butwarrahs, under Regulation XIX. 1814." Cases of the latter, "partitions at the request of parties." Corresponding entries should be made in the statement of division of business, and in the register of records.

6. In effecting partitions of land by order of Court, the Collector should restrict himself to the simple execution of the decree; and not dismember the whole mouzah, where the order relates only to the separation of a share.

Agra, the 10*th July*, 1846.

No. 5.

Suits affecting Government.
Board require quarterly instead of the annual returns prescribed by paragraph 164, Circular Order No. 4.

The Sudder Board of Revenue, North Western Provinces, request, with reference to paragraph 164 of their printed Circular Order, No. 4, that Commissioners will in future submit quarterly, instead of yearly, returns of cases to which Government is a party, pending before the Civil Courts.

Agra, the 24*th July*, 1846.

No. 6.

Contingent Charges incurred by Collectors, may be sanctioned by Commissioners, if not exceeding Rupees 500.

Commissioners of Revenue are reminded, with a view to prevent unnecessary references to the Sudder Board of Revenue, that they are themselves competent, under section 6, of Revenue Circular Order No. 4, to authorize Collectors to disburse sums not exceeding rupees 500 in each case, for buildings and repairs, as well as all other items of contingent charge, not being monthly recurring charges, for rent or establishment.

Agra, the 18*th August*, 1846.

No. 7.

Efficiency of Putwarree establishments.
Publishing, in connection with this subject, a report on native education in zillah Etawah, with an extract of Government Orders.

Under instructions from Government, the Sudder Board of Revenue direct the publication, for the information and guidance of all officers subordinate to them, of the accompanying extract, paragraphs 95 to 102, of a report on the state of education in the district of Etawah, in which are communicated the measures adopted by the officiating Collector, in order to secure greater efficiency in the putwaree establishments.

2. The views and wishes of Government on the subject are contained in the annexed extract,* from Mr. Secretary Thornton's letter.

* Paragraphs 2, 3 and 4.

Agra, the 27th October, 1846.

ANNEXURES.

1. Extract paragraphs 2, 3 and 4, of a letter from Secretary to Government, North Western Provinces, to officiating Secretary, Sudder Board of Revenue, North Western Provinces, dated 6th October, 1846, No. 945.

2. Ditto paragraphs 95 to 102, of a report on the state of education by the officiating Collector of Etawah, dated 21st September, 1846.

Extract, paragraphs 2, 3 *and* 4, *of a letter from the Secretary to Government, North Western Provinces, to officiating Secretary, Sudder Board of Revenue, North Western Provinces, dated* 6*th October*, 1846, *No.* 945.

Paragraph 2. The exact course adopted by Mr. Alexander, may not be necessary in other districts, and need not be implicitly followed; but it occurs to the Lieutenant Governor that facilities now exist for ensuring a good standard of qualification on the part of putwarees, and that advantage might result from bringing the subject under the consideration of public officers.

3. Ram Surrun Doss's four elementary books contain the literary information, which it is necessary for the village putwarree to possess in order to qualify him for the discharge of his duties. It would be injudicious at once to require of all putwarrees a perfect acquaintance with these treatises as indispensible for their longer retention of office; but it would be desirable to bring the books authoritatively under their notice, and to mention them as containing information which they were expected to acquire, and for deficiency in which at some future period (as for instance a year or two hence) they might be liable to lose their office. On the occurrence of vacancies, the nominee might be examined in these books by the tehseeldars or canoongoes, and permanent confirmation in his appointment might be withheld till he had obtained an adequate knowledge of the most important parts of the contents.

4. An attempt might also be made to induce the lumburdars of village communities to acquire the same information. Whenever, under the terms of the administration paper at the time of settlement, the sanction of the Collector is necessary to confirm the election of the village community, advantage may be taken of this proviso to provide that the future representative of the community shall be possessed of this knowledge, which is in fact essential to the proper discharge of his duties.

Extract paragraphs 95 *to* 102, *from a letter from the officiating Collector of Etawah, to the Secretary to Government, North Western Provinces, dated the* 21*st September*, 1846.

95. In connection with the subject of native education, I may here mention that,—

96. Shortly after my arrival in this district, and prior to the promulgation of Government Orders of the 7th June last, No. 460, I had occasion to notice one or

two instances of gross carelessness on the part of some putwarrees, in the preparation of their village papers. This led to further enquiry, and I found the generality of these persons, throughout the district, exceedingly ignorant of their duties, and dependent, for the preparation of their annual papers, wholly on the assistance (never given, but on payment of a *douceur*) afforded by canoongoes, and other tehseel officers, whose direct interference, thus brought about, in village affairs, gave them an influence highly prejudicial to the interests and independence of the agricultural community, and detrimental to the prosperity of their villages, and moreover tending to render the orders of the Board, as contained in their Circular of the 21st March, 1843, No. 5, paragraphs 5 to 9, on the subject of keeping up an efficient putwarree establishment, and the importance of maintaining an authentic record of rights, &c., a dead letter.

97. It was necessary that immediate steps should be taken to remedy this evil, and I accordingly had a list of putwarrees prepared, with a statement of the pay of each, and found that by making each person give a small sum annually, varying from half an anna to an anna per cent. on his allowances, two mohurrers could be entertained, for each pergunnah, capable of giving them ample instruction in their duties.

98. I accordingly nominated to each tehseeldaree two persons, who had formerly been employed under Mr. Gubbins in the settlement of the district, and assigned to them the duty of going from village to village, and carefully instructing each putwarree in the mode of keeping his accounts, and preparing the papers annually required of him, and teaching him to draw a field map of his village, and to acquire so thorough an acquaintance with the holdings of each proprietor, the tenure on which he occupied his land, the mode of recording a transfer of rights, and change of names in the khewut, and in fact, with the whole of his duties as village accountant, as to enable him, on examination, (which I purpose commencing on early in the coming cold season) to prove himself fully efficient.

99. The tehseeldars furnish weekly reports of progress, and are held responsible that the instruction conveyed is thoroughly understood, and are required to report inefficiency, or incapacity for learning on the part of any one.

100. On a vacancy occurring the nominee of the zemindar is not *permanently* appointed, till reported qualified for the situation.

101. The result of these measures has been to stimulate the putwarrees to exertion, and, according to the tehseeldars' reports, to make them interest themselves, more than ever, in the education of their children, with the view of securing for them, if possible, the succession to their situations; for they begin to feel that the office, which has hitherto been regarded by them as a sort of heirloom in their families, descending successively, from father to son, whether ignorant or educated, can now only be retained by proved efficiency.

102. This measure must, I feel confident, be attended with great benefit to all concerned, directly or indirectly, in agricultural pursuits, and I trust it will meet with his Honor the Lieutenant Governor's approbation.

No. 8.

Transfer of defaulting putteedars' rights to strangers, to be reported as farms in the annexed form.

The Sudder Board of Revenue direct that, whenever it may be found necessary to recommend the transfer of the rights of defaulting putteedars to strangers and not to solvent putteedars of the village, the arrangement shall be reported in a separate statement, in the annexed form, as farms of defaulting puttees under clause 4, section 3, Act I. of 1841.

Agra, the 10*th of November,* 1846.

ANNEXURE.

Statement of a farming lease of defaulting puttees under clause 4, *section* 3, *Act. I. of* 1841.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Zillah.	Pergunnah.	Mouzah.	Jumma of	Names of Sudder Malgoozars.	Names of putteedars with amount of revenue for which each is responsible.	Names of defaulting putteedars.	Amount of balance due from each defaulter.	Name of farmer.	Date of proclamation threatening farm.	Term of farm.	Date of payment of arrears by farmer.	Date of report to Commissioner.	Quantity of Neejjote and condition on which it is held.	Circumstances which led to the farming lease to a stranger.	Commissioner's remarks.

Agra, the 10*th November,* 1846.

K.

To the Commissioners of Divisions, Nos. 1 *to* 5, *Delhie, Saugor and Kumaon.*

Sales.

Board prescribe a form to be in future observed in advertizing sales for arrears of revenue in the *Agra Government Gazette.*

In modification of their Circular No. 3 of 1842, dated 1st March, the Sudder Board of Revenue request that, you will enjoin the Collectors in your division to use the annexed form in advertizing sales for arrears of revenue in the *Agra Government Gazette.*

Agra, 10*th November,* 1846.

FORM.

Notice is hereby given, that the undermentioned Estate will be put up to auction sale on ———— for the recovery of arrears of revenue.

Date of sale.	Zillah.	Pergh.	Mouzah.	Acres.	Juma.	Remarks.

M.

To the Commissioners of the Divisions, Nos. 1 to 5, Delhie, Saugor and Kumaon.

Summary Jurisdiction of Collectors in cases of illegal ejectment.

Intimating that it has been determined by the Board, in communication with the Court of Sudder Dewanny Adawlut, that the revenue authorities are not competent to take up and try any complaint of illegal ouster, but such as may be preferred by tenants against their landlords, or by under sharers against their Lumburdars.

With a view to remove existing doubts as to the extent of the summary jurisdiction of Collectors in cases of illegal ejectment, I am directed to inform you that it has been determined by the Board, in communication with the Court of Sudder Dewanny Adawlut, that the Revenue authorities are not competent to take up and try any complaint of illegal ouster, but such as may be preferred by tenants against their landlords, or by under sharers against their Lumburdars.

Agra, 24th November, 1846.

N.

To the Commissioners of Divisions, Nos. 1 to 5, Delhie, Saugor and Kumaon.

Regarding the review of the Civil Courts of cases decided by Revenue officers.

Requesting that the attention of all officers engaged in Judicial proceedings under Regulation VII. of 1822, may be called to the importance of recording in each case in the vernacular language all the grounds on which they base their opinions, and also of filing in the Misl copies of all orders of the Board or of Government which influenced their decision, with the arguments on which they rested. Instructions respecting proceedings under clause 1, section 31 of the above Regulation.

Under instructions from Government, the Sudder Board of Revenue direct me to request that you will call the attention of all officers engaged in Judicial proceedings under Regulation VII. of 1822, to the importance of recording in each case, in the vernacular language, all the grounds on which they base their opinions, and also of filing in the Misl copies of all orders of the Board or of Government, which influenced their decision, with the arguments on which they rested.

2nd.—Whenever also the Courts may call for proceedings in the Revenue Department under clause 1, Section 31, Regulation VII. of 1822, the Collector should be careful himself to examine the case and to see that the return is complete, adding to it any documents which he may see to be wanting, or forwarding the roobukaries in other similar cases, where the arguments may be more fully set forth. If the English correspondence belonging to the case or class of cases has not before been translated into the vernacular language, it should be so translated and filed in the Misl before transmission; for it is important, that all which bears on the case, should be as accessible as possible to all parties.

3rd.—The Judicial proceedings in the Revenue Department have now been so nearly brought to a close, that little opportunity remains for enforcing the precaution contained in the 1st paragraph of this Circular. But the injunction in the following paragraph will need to be carefully observed in every office. The Commissioners will use their utmost diligence to see that the duty is rightly performed.

Agra, 27th November, 1846.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1846.

No. 208.

To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to inform you, that the Deputy Commissioner and Superintendent at Jullunder has been authorized to grant bills upon your treasury on account of military Officers' and Sepoys' family remittances, Post-masters' remittances, and generally such other bills as Collectors are authorized to grant under existing rules. You will accordingly be pleased to honor that officer's drafts, and debit them in your treasury accounts under " Bills payable of the Revenue Department, North Western Provinces."

2. I beg to add, that you are not to consider yourself competent to grant bills upon the Jullunder treasury, except in exchange for bills held upon your treasury in favor of military Officers proceeding to or located in the Jullunder Dooab.

Agra, the 4th July, 1846.

No. 209.

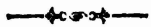
To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to inform you, that the Assistants to the Commissioner and Superintendent at Hooshyarpoor and Kangra have been authorized to grant bills upon your treasury on account of military Officers' and Sepoys' family remittances, Post-masters' remittances, and generally such other bills as Collectors are authorized

to grant under existing rules. You will accordingly be pleased to honor those officers' drafts, and debit them in your treasury account under "Bills payable of the Revenue Department, North Western Provinces."

2. I beg to add, that you are not to consider yourself competent to grant bills upon the Hooshyarpoor or Kangra treasuries, except in exchange for bills held upon your treasury in favor of military Officers proceeding to or located in the Jullunder Dooab, and for *bonâ fide* public purposes.

Agra, the 20th July, 1846.



No. 210.

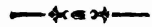
To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

Government having authorized the establishment of a civil treasury at Lahore for the purpose of raising money by bills, and for the convenience of meeting public drafts: I have the honor to inform you, that Captain K. Campbell has been placed in charge of the civil treasury in question; and to request, that you will honor such bills as that officer may have occasion to draw upon your treasury.

You are however restricted from issuing upon the officer in charge of the civil treasury at Lahore, any other drafts than may be required in exchange for drafts upon your treasury, held by military Officers proceeding to or located in the Punjab; or such as may be required by Post-masters or other public functionaries on the public service.

All bill transactions with the abovementioned treasury, must be exhibited in your treasury accounts, under "Civil Treasury at Lahore" subordinate to "Bills payable of the Revenue Department, North Western Provinces."

Agra, the 25th July, 1846.



No. 211.

To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to circulate for your information and guidance, copy of a reference made by me to the Accountant at the presidency, and of that officer's reply, together with the opinion of the Advocate General.

2. You will observe from the latter, that interest (made payable from your treasury) on Government paper belonging to the estate of a deceased British subject, is payable to such persons only as shall produce either probate or letters of administration granted by the Supreme Court of Judicature at Fort William; but when the deceased was not a person belonging to the class usually designated a British subject, the production of a probate or letters of administration, as in the former case, or of a

certificate granted by a Civil court under the Act XX. of 1841, and containing an express power to receive interest, must be required of the claimant, before you can pay the interest on Government paper belonging to such deceased party.

3. You will observe also from Mr. Walker's concluding paragraph that the renewal of Government promissory notes in the name of the legal representative of a deceased party, prior to the payment of interest, is not necessary.

Agra, the 7th August, 1846.

ANNEXURES.

No. 388.

To R. WALKER, *Esquire, Accountant in the General Department, Fort William.*

I have the honor to annex copy of a letter from the Deputy Collector of Agra, dated 19th instant, regarding the payment of interest on Government promissory notes appertaining to the estate of a deceased party, and to request you will favor me with a copy of such general rules as obtain in Bengal in such cases, as well as indicate the course to be followed in the special case now referred, in which the deceased is stated to have never been a British subject.

2. In the case of British born subjects, I believe the production of a probate or letters of administration from the Supreme Court is necessary; and in the case of native British subjects the production of a certificate from the Civil court* would I apprehend be requisite to warrant our Collectors to pay interest on Government paper; but, I shall be happy to circulate for the guidance of the Collectors in the North Western Provinces, rules which you may deem it necessary should be promulgated, to secure them against liabilities for irregular or illegal payments.

* Under the provisions of Act XX. of 1841.

An early reply will be esteemed a favor.

Agra, the 23rd May, 1846.

No. 165.

To C. ALLEN, *Esquire, Offg. Accountant, North Western Provinces.*

In reply to your letter of the 22nd ultimo regarding the payment of interest due on Government promissory notes, to the estate of a deceased party, I have the honor to state that I laid your letter with its enclosure from the Deputy Collector of Agra before the Advocate General for his opinion on the legal points therein mooted; and beg to submit copy of his reply, which I recommend should be circulated for the information and guidance of the several Collectors of the North Western Provinces.

2. With reference to paragraph 1, of Mr. Deputy Collector Reid's letter, I may add, that the renewal of Government promissory notes in the name of the legal representative of a deceased party, prior to the payment of interest, is not necessary.

Fort William, the 20th June, 1846.

OPINION.

All jurisdiction in matters of administration is based on the existence of property belonging to the estate of the deceased within the local limits of that jurisdiction, and is, generally speaking, irrespective of the former domicile of the deceased. A Frenchman domiciled in France dies leaving property in the English funds, his representatives must obtain a grant of administration from the Prerogative Court of Canterbury. The Act No. XX. of 1841, is framed upon this the only sound principle, with the single exception that, it leaves to the Supreme Court untouched its exclusive privilege of granting probates and letters of administration, where the property is that of a British subject. All other persons, whether owning allegiance to the British crown or not, who may have left property within the zillah from the Court of which a certificate is sought, seem to me to be within its operation. The Supreme Court also would in the exercise of its general ecclesiastical jurisdiction grant administration of the estates of persons comprised in the category to which Colonel Felose belongs, if they should be possessed of property within the limits of its jurisdiction.

I am therefore of opinion, that the only safe rules for the guidance of Collectors in the North Western Provinces, are :

1st. That when the deceased was a person belonging to the class of persons usually designated as British subjects, the Collector do pay interest on Government paper belonging to the estate to such persons only, as shall produce either probate or letters of administration granted by the Supreme Court.

2nd. That when the deceased was not a person belonging to the class mentioned in the former rule, the Collector before paying any interest on Government paper belonging to the estate, do require the production, either of probate or letters of administration granted by the Supreme Court, or of a certificate granted under the Act XX. of 1841, and containing, pursuant to section 7, of the Act, an express power to receive such interest.

(Signed) J. W. COLVILLE.

June 10*th*, 1846.

No. 212.

To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to request, that you will make it an invariable rule in future, on all occasions of furnishing a certificate of the non-payment of a draft drawn upon your treasury from another, to indicate also in the certificate whether or not the original draft had ever been presented or accepted for payment at your office.

Agra, the 21*st August*, 1846.

No. 213.

To all officers in charge of Revenue and Political Treasuries in the North Western Provinces.

An instance having occurred in which a Collector issued a duplicate of a lost loan acknowledgment, without previous reference for sanction to the Deputy Accountant

General at the presidency, and as no distinction can be drawn between the loss of a loan acknowledgment and that of a promissory note; I have the honor to request, that you will carefully abstain from issuing a duplicate of any loan acknowledgment that may have been granted from your office, except under special instructions previously communicated to you from the loan office.

2. To obviate irregular payments of interest on Government promissory notes, I have further to request, that you will decline payment of interest of any Government paper, on which such payment has not been specially authorized to be made from your treasury by an entry upon the face thereof, and, that, in cases in which the interest is specially made payable from your office, you will invariably reckon the periodical payments of such interest, whether the same be quarterly or half yearly, from the date given at the head of the promissory note. Payments are never to be made *quarterly* on paper of loans, of which interest is payable *half* yearly; nor for any period not actually claimable under the terms of the loan notification; thus, if one quarter's or half year's (as the case may be) interest be claimed when another similar period is nearly completed, it is only to be paid for the period actually past, and not also for that about to be completed.

3. I have further to request, that all references, on matters connected with the Government loans, whether in respect to loan acknowledgments, renewal of promissory notes, or payments of interest, should be addressed to the "Deputy Accountant General to the Government of India," at the loan office, at the presidency.

Agra, the 26th September, 1846.

No. 214.

To all Magistrates in the North Western Provinces.

With reference to the annexed extract from the orders of Government, North Western Provinces, in the Judicial Department, dated 24th July last, I have the honor to request, that you will in future bring to credit under "to Ferry Fund," all collections made on account of the public ferries under your control in the gross, and to debit, per contra, all charges incurred for the maintenance of the ferries in question.

When public ferries are let in farm, the collections are to be brought to credit as they are realized from the farmers, and in such cases no charges are incurred by the Magistrates debitable to the fund. When, however, any public ferry is held kham, the entire receipts or collections at the ghat of every kind made on account of the ferry, are to be brought to credit, and the charges incurred for the construction, repair and hire of boats and for the maintenance of superintendents, guards, and boatmen, together with contingencies, are to be debited in your monthly cash accounts, under "by Ferry Fund," supported by a detailed statement, which should accompany your contingent bill, in which the aggregate charge will form an entry under a head "Ferry charges;" and will be admitted under the countersignature of the Commissioner. This rule must be considered applicable to bridges of boats and pontoon bridges wherever they exist or may be formed; as well as to ghats where boats only are employed to ply backwards and forwards.

You will observe, that in cases of kham management of a ferry, the charges are left by Government to your own discretion, to the extent of the gross collections, so long as the money is appropriated to the improvement of communication across the ferry or bridge. You will therefore be careful that no charges not strictly of this nature, are debited against the monthly collections.

Your monthly cash accounts will, as heretofore, exhibit a memorandum of the state of the current ferry fund, shewing the balance outstanding at the end of the past month, the receipts and charges of the current month, and the balance at its close. This memorandum being designed to indicate the state of the fund, during the progress of the official year, must terminate at its close, and a fresh memorandum commenced with the succeeding year, or in May, in which the balance of the preceding April must not be brought forward, as such balance, if found correct, will be appropriated as surplus for allotment under the Government notification, dated 10th February, 1841.

The present instructions are to be considered as modifying those conveyed in the Bengal Judicial Accountant's Circular of the 7th March, 1843.

Agra, the 16th October, 1846.

ANNEXURE.

Extract from a letter from Assistant Secretary to Government, North Western Provinces, in the Judicial Department, dated 24th July, 1846, *to the Officiating Accountant, North Western Provinces.*

2. All facts regarding the public money, whether of receipt or disbursement, should be shown in the accounts. It is dangerous to allow the exhibition in the accounts of any net sum. Every practical purpose will be attained by allowing the Magistrate, whenever the ferries are held kham, free liberty of disbursement for the purposes of the ferry, but by requiring him to show the gross collections as well as the entire disbursements in his accounts.

3. The charges of kham management of a ferry, so long as the money is appropriated to the improvement of communication across the ferry to the amount of the gross collections, may be left to the discretion of the Magistrate, and included in his contingent bills for countersignature by the Commissioner.

4. You are requested to give effect to these orders, and you are at liberty to report any other contraventions of the principle here laid down, which may come under your notice and appear to require correction.

No. 215.

To all officers in charge of Civil Treasuries in the North Western Provinces.

I am requested by the Deputy Accountant General to the Government of India, to annex for your information and guidance, a set of rules drawn up by him, in conformity with the practice which prevails at the General Treasury, pointing out the manner in which broken interest should be computed on subscriptions to the five per cent. loan now open, to obviate misapprehension of clause 7, of the advertisement of the 31st March, 1841, republished in the *Calcutta Gazette* of the 5th October last, and in the *Agra Government Gazette* Extraordinary of the 15th idem.

Agra, the 7th December, 1846.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1846.

Nos. 197 to 203.

To the Commissioners of the North Western Provinces.

My predecessor's Circular letter of the 8th February, 1838, not appearing to have been strictly attended to, I beg to call your particular attention to the same, and request you will in future disallow charges on account of extra stationery and temporary establishment, when included in the Collectors' or Magistrates' contingent bills unsupported with your previous express sanction.

2nd. I take this opportunity of forwarding for your information two statements prepared in my office, exhibiting the fixed allowances drawn by the several Magistrates and Collectors in your division on account of sudder and moofussil contingencies and stationery, and with reference thereto, beg, that some check may be put upon the too frequent, and in some cases, regular charges, which I find included in like accounts in the judicial and revenue contingent bills, and which under the orders of Government, copy of which was forwarded with my predecessor's Circular above quoted, should not be allowed, unless the rules and restrictions contained in those orders be attended to.

Agra, the 18th March, 1846.

No. 225½.

To the Chaplains of the North Western Provinces.

In addition to the regular bill of the Church establishment which will be forwarded for the month of April next for audit, I request you will likewise prepare and furnish

a separate statement exhibiting the particulars of the whole of your establishment, as it may stand on the 1st May next, which is to be carefully drawn out in the annexed form.

Detailed Statement of Salaries and Establishments of the *Church, on the* 1st *May,* 184 .

Department and date of Government order, constituting each office and establishment existing on the 1st May, 184 .	Date of the appointment of the individuals holding the office.	Names of individuals.	Description of service.	Amount of salary.			Total.		
		A. B , ..	Chaplain, ..	000	0	0			
		C. D., .	Asst Chaplain,	000	0	0			
		ESTABLISHMENT.					00	0	0
			Organist, ...	0	0	0			
			Clerk, .	0	0	0			
			Sirdar bearer, ..	0	0	0			
			Mate bearer, ..	0	0	0			
			Chuprassee, .	0	0	0			
			Bhistee, ...	0	0	0			
			Sweeper, ...	0	0	0			
							00	0	0
			Allowance for Sacramental elements, .. .	0	0	0			
			Ditto for lighting Church, &c,	0	0	0	'00	0	0
			Total Co.'s Rs,						

Agra, the 31*st March,* 1846.

2

No. 274.

To all Judicial, Revenue, Political, Customs Officers, and Post-masters, &c.

With reference to the orders of Government contained in my Circular letter of the 20th February, 1845, I have the honor to request you will be good enough to furnish as soon after the 1st May next, as practicable, three separate lists as per margin*, correctly drawn out agreeably to the forms already furnished, containing the names and other particulars of your office establishment.

* Of Europeans, East Indians, Natives.

I beg to observe that it is necessary the whole of the Europeans and East Indians in your establishment should be included in the lists; as regards the natives, those only who hold appointments of trust and responsibility, in compliance with Mr. Secretary Dorin's letter of the 22nd February, 1845, a copy of which is annexed for your information and guidance.

The 24th April, 1846.

ANNEXURE.

FINANCIAL DEPARTMENT.

I have the honor to acknowledge the receipt of your letter No. 117, dated 6th instant, with its enclosure from the Civil Auditor containing suggestions as to the mode of compiling the returns called for by the Hon'ble the Court of Directors in their despatch to Government of India, No. 31 of 1844.

As the Court do not specify the object they have in view in calling for this return it is not easy to define with precision the extent to which the information it is intended to contain shall be carried. It is explained in paragraph 4 of the despatch, the statement is expected to be on a more concise form, than that of the book of establishments; and assuming from the expression of their wish that the Court do not desire to have a repetition of detail, the Governor General in Council thinks that it will be expedient not only to limit the return in the mode proposed by the Civil Auditor of Bombay, but to exclude from it entirely the parties that are not more immediately alluded to by the Court.

Viewing the matter in this light, it would be necessary, in conformity with paragraph 2 of the despatch, to include in the return *all* uncovenanted servants, European and East Indian, as contra-distinguished from natives of India, and as regards the latter to limit the detail to Sudder Ameens, Moonsiffs, Deputy Collectors, and other officers of superior grade, omitting entirely mere subordinate ministerial officers, such as treasurers, clerks, &c., who exercise no control whatever over the establishments in which they are employed.

Fort William, the 22nd February, 1845.

No. 548.

The Civil Auditor, North Western Provinces, begs to call the attention of all public officers to the great inconvenience at present experienced, in having to return

bills unaudited for the want of duplicates, and requests they will in future be particular in transmitting every bill in duplicate (with the exception of their fixed monthly abstracts), for contingent or miscellaneous charges, at the same time confining the number of bills to one only for each month, as far as it may be practicable.

Agra, the 16*th July*, 1846.

No. 557.

The Civil Auditor begs to notify, for the information of the Joint Magistrates and Deputy Collectors of the 2nd grade, drawing 700 rupees per mensem, that it has been ruled by Government that they are entitled to no deputation allowance should they officiate in the higher grade.

2. This rule is not applicable to independent Joint Magistracies and Deputy Collectorships, such as Rohtuck, Calpee, or Putialee.

Agra, the 22*nd July*, 1846.

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BUHAWULPORE NAWAB'S—Cession to the British Government of a strip of land between the village of Gunj Buksh Chistee and the frontier of the Mundote Territory, and extending from the River Gharra to the boundary of Pergunnah Ubohur in the Bhuttee Territory at Sirsa. The lands to be designed as Pergunnah Wuttoo and annexed to the Bhuttee Territory of Sirsa and subject to the Laws and Regulations in force in that district. Hurrianah Customs line extended through this tract of country to the River Gharra or Sutlej,	21st March, 1844.	23	1844
C.			
CANALS—Resolution for giving effect to Act VII. of 1845, regarding, ...	31st May, 1845.	31	1845
CANTONMENT JOINT MAGISTRATE—Brevet Major E. R. Mainwaring, Superintendent of Sudder Bazar and Cantonment Police at Cawnpore, invested with the powers of, ...	7th June, 1844.	29	1844
CESSION—Of a strip of land by the Nawab of Buhawulpore to the British Government,—*see Buhawulpore,*	21st March, 1844.	23	1844
CHAPLAIN,—*see Ecclesiastical,*	—	—	—
CIVIL AUDITOR—The Channel for submitting all questions connected with the allowances of Public Functionaries,—*see Allowances,*	17th July, 1844.	30	1844
CIVIL ASSIST.-SURGEONS—Leave of absence to,—*see Medical Officers,*	22nd Novr., 1843.	15	1844
——— To visit out-stations. Fixing their Travelling and Deputation allowances, —*see Medical Officers,*	4th Novr., 1844.	30	1844
CIVIL ENGINEERS IN THE N. W. P.—Scheme for employment of a subordinate class of, ...	9th October, 1845.	45	1845
COLLECTORS—Instructions for the guidance of—to ensure the punctual delivery of Family Remittance Rolls of the Native Soldiery, if the person addressed resides in the interior of the district,..	30th May, 1845.	29	1845
——— Rules for their guidance in order to ensure the careful and punctual transmission of Sepoys' Family Remittances, ...	28th Feby., 1846.	10	1846
COMMISSIONERS OF POLICE—Empowered to offer a reward not exceeding 100 Rupees for the discovery or apprehension of any person charged with the commission of any heinous offence,—*see Rewards,*	19th March, 1844.	23	1844
COMMITTEES—ROAD—Rules for guidance of—*see Road Committees,*	5th June, 1844,	25	1844

C.	Date.	Page.	Vol. for the year.
CONVICTS—Sentenced to transportation beyond Seas, arrangements for the disposal of, ...	12th Septr., 1845.	42	1845
——— Under transmission to the Allipore Jail to be accompanied each with a descriptive Roll and a copy of the Warrant under which he is confined, enforcement of the rule strictly enjoined, ...	8th Jany., 1846.	9	1846
——— Prescribing form for the descriptive Roll above referred to, ...	15th Octr., 1846.	16	1846
CORRESPONDENCE—Between Revd. Chaplains and Assistant Chaplains and the Government to take place through the Channel of the Bishop or the Archdeacon, ...	25th June, 1846.	13	1846
COTTON—When exported, shall pass without impediment across the line and shall not require to be recovered by a Maffee Rowannah or by any other Certificate. Rule 23, dated 10th Feb. 1844, amended,	12th Decr., 1845.	46	1845
——— Wool from the port of Calcutta simplifying the process of obtaining credit for the land frontier duty, claimable on the export of—under the terms of Schedule B, Act XIV. of 1836, ...	13th Octr., 1845.	43	1845
COVENANTED OFFICERS—Prohibition of—from holding or being in any way concerned in the management of lands,—*see Lands*, ...	17th April, 1844.	24	1844
——— Who hold or may be in any way concerned in the management of lands, required either entirely to disconnect themselves therefrom or to resign the Company's service by the 1st Jany., 1846, ...	28th Decr., 1844.	22	1845
——— Lands held by—on farming speculations, final instructions of the Hon'ble the Court of Directors on the subject, ...	3rd Jany., 1846.	9	1846
CUSTOMS—Lines and Jurisdiction Rules for giving effect to the provisons of Act XV. of 1843, specification of lines for levying the duties authorized by the enactment. Chokies open and closed, Custom Houses and Custom House Officers, mode of collecting the duty on dutiable articles when brought across the line, extending the currency of Rowannahs. Illegal Acts involving penalties, appointments of Collectors and Deputies. Collectors of Land Revenue adjoining the Oude Territory and their establishments, invested with the powers of Custom House Officers to enable them to check the illicit importation of Salt from Oude, appointments of Collector of Customs at Agra and at Allahabad, abolished, ...	10th Feby., 1844.	16 to 22	1844

C. D.	Date.	Page.	Vol. for the year.
CUSTOMS—Scale of duties on Merchandize passing to and from Sirsa and Buhawulpore through the Bikaneer Territory, ...	8th Feby., 1844.	22	1844
——— Hurriannah line extended through Pergunnah Wuttoo to the River Gharra or Sutlej,—*see Buhawulpore*, ...	21st March, 1844.	23	1844
——— Pergunnah Noh, Zillah Goorgaon, and any land intervening it and the North Western frontier line brought under Customs jurisdiction, the manufacture and storing of Salt in that Pergunnah under the supervision and control of the Officers of the Customs Department sanctioned,	12th Septr., 1845.	42	1845
——— Modification of rules passed on the 10th February 1844, viz. the line delineated from the North Western frontier to the Mirzapore district, the Cities and Marts of Bindrabun, Muttra and Agra excluded from Customs jurisdiction, ..	28th Octr., 1845.	18	1846
D.			
DAWKS—Letters from Post stations to villages or towns in which there are no Post Offices are to be sent pre-paid, and letters from such villages to Post towns are to be sent bearing postage. No Magistrates or Collectors should object to forward letters by means of the Tuhseeldaree and Thannah Dawk runners, from reluctance to incur a small responsibility or additional trouble, if the above arrangement be not observed in any case from accident or the misinformation of the writers of Letters, ...	30th April, 1844.	24 & 25	1844
——— Publishing rules drawn up by the Postmaster General regarding the establishment of District Dawks, ...	2nd April, 1846.	12	1846
DEEDS—Post of Register of—by whom to be held in future,—*see Register of Deeds*, ...	19th Octr., 1844.	28	1844
——— Principal Sudder Ameen of Banda appointed to be Register of, ...	19th Octr., 1844.	29	1844
DEPUTY MAGISTRATE—Under Act XV. of 1843, Mr. G. Wyatt, Deputy Collector under Regulation IX. of 1833, in Benares, invested with the powers of, ...	23rd March, 1844.	22	1844
——— Ditto Mr. J. H. Walker, Deputy Collector under Regulation IX. of 1833, in Goorgaon ditto, ...	29th May, 1844.	25	1844

D.	Date.	Page.	Vol. for the year.
DEPUTY MAGISTRATE—Under Act XV. of 1843, Mr. J. G. Ross, Deputy Collector under Regulation IX. of 1833, in Rohtuck ditto, ...	3rd Augt., 1844.	27	1844
——— Ditto Mr. J. H. Walker, Deputy Collector under Regulation IX. of 1833, in Mirzapore ditto, ...	18th Octr., 1844.	26	1844
——— Ditto Sudder Ameen stationed at Pillibheet ditto ditto, ...	27th Septr., 1844.	28	1844
DEPUTY COLLECTORS—Superintendents of certain Canals invested with the powers of—for the levy of rents under Act VII. of 1845, their Assistants declared competent to exercise the same powers under their directions and on their responsibility, ...	31st May, 1845.	31	1845
——— Invested with the powers of Deputy Magistrates under Act XV. of 1843, throughout the N. W. P., and considered competent to exercise the ordinary powers of Covenanted Assistants under Section 20, Regulation IX. of 1807. Special application to be made to Government if desirable to invest any of them with special powers under Regulation III. of 1821, or with full powers of a Magistrate under Section 3, Act XV. of 1843. The superior powers already conferred on certain Deputy Collectors are to be retained, ...	13th Octr., 1845.	43	1845
DESCRIPTIVE ROLLS to accompany all Convicts under transmission to the Allipore Jail, ...	8th Jany., 1846.	9	1846
——— Prescribing form for the above-mentioned, ...	15th Octr., 1846.	16	1846
DISTRICT DAWKS,—*see Dawks*, ...	—	—	—
DUTIES—Authorized by Act XIV. of 1843, specification of the Customs lines and jurisdiction to be established for the levy of, ...	10th Feby., 1844.	16	1844
——— Mode of collecting the duty on dutiable articles when brought across the line, ...	10th Feby., 1844.	19	1844
——— Scale of—on Merchandize passing to and from Sirsa and Buhawulpore through the Bikaneer Territory, that is between Chutneer and Anopghur, fixed and determined upon by the Maharaja of Bikaneer, ...	8th Feby., 1844.	22	1844
DUTY—Land frontier, simplifying the process of obtaining credit for—claimable on the export of Cotton Wool from the port of Calcutta under the terms of Schedule B, Act XIV. of 1836,....	13th Octr., 1845.	43	1845

E. F. H. I. J.	Date.	Page.	Vol. for the year.
E.			
ECCLESIASTICAL—Republishing rules framed for the information and guidance of Chaplains at Military stations, ...	10th April, 1845.	22	1845
———Prescribing Channel of correspondence between Revd. Chaplains and Assistant Chaplains and the Government, and mode of applying for leave of absence on account of ill health, ...	25th June, 1846.	13	1846
———Rules regarding the employment of Revd. Chaplains upon Clerical duties at the Hill stations, ...	1st July, 1846.	13	1846
ENGINEERS—Civil—in the N. W. P. scheme for the employment of a subordinate class of, ...	9th Octr., 1845.	45	1845
F.			
FEES—None to be demanded for the preparation or issue of a license for the exportation of Arms, Ammunition and Military stores, ...	3rd Feby., 1844.	16	1844
FUND—In charge of Road Committees—primary object for appropriation of, ...	5th June, 1844.	25	1844
H.			
HURRIANAH CUSTOMS LINE—Extended through Pergunnah Watto to the River Gharra or Sutlej, —*see Customs*, ...	21st March, 1844.	23	1844
I.			
INDIGENOUS VILLAGE SCHOOLS—Publishing orders in English and Urdoo which have been issued on the subject, ...	19th June, 1845.	39	1845
J.			
JAILORS—Authorized to be included in the list of public servants entitled by the existing Pension Rules to a superannuation Pension, ...	11th Septr., 1844.	27	1844
JOINT MAGISTRATES—Superintendents of certain Canals invested with the powers of—for the enforcement of penalties under Act VII. of 1845, their Assistants declared competent to exercise the same powers under their directions and on their responsibility, ...	31st May, 1845.	31	1845

J. K. L.	Date.	Page.	Vol. for the year.
JOINT MAGISTRATES—Powers of—to all Officers in charge of Police Battalions, ...	15th Jany., 1846.	10	1845
K.			
KUNKUR—Practical observations upon and metalling roads by the Superintending Engineer, N. W. P., dated 1st May, 1845, published, ...	22nd May, 1845.	23	1846
L.			
LAND—A strip of—ceded by the Nawab of Buhawulpore to the British Government,—*see Buhawulpore*, ...	21st March, 1844.	23	1844
LANDS—All Covenanted Officers who hold or who may be in any way concerned in the management of—will be expected wholly to relinquish their interests in them on or before the 1st January 1845, and the only condition on which they can continue to hold, or be concerned in the management of lands beyond that period is the resignation of the Company's service, ...	17th April, 1844.	24	1844
——— The period within which Covenanted Officers are required either entirely to disconnect themselves from the occupation or management of—or to resign the Company's service, extended to 1st January, 1846, ...	28th Decr., 1844.	22	1845
——— Held by Covenanted Servants of Government on farming speculations, publishing extracts from a despatch from the Hon'ble the Court of Directors conveying their final instructions on the subject,	3rd Jany., 1846.	9	1846
——— Ditto ditto prohibitory orders issued by Government on the 15th August, 1843, 17th April, 1844, and 28th December, 1844, confirmed by the Hon'ble Court to the full extent, ...	23rd Septr., 1845.	9	1846
——— Ditto ditto special indulgences may be conceded to exceptions to the abovementioned general rule, when individuals may have, previously to July, 1844, become under the sanction of the Local Government *bonâ fide* holders of lands not within the districts of their official employment, ...	23rd Septr., 1845.	9	1846
LEAVE—of absence to Medical Officers in Civil Medical employ,—*see Medical Officers*, ...	22nd Novr., 1843.	15	1844
——— To Sub-assistant Surgeons,—*see Sub-assistant Surgeons*, ...	11th Septr., 1844.	27	1844

L. M.	Date.	Page.	Vol. for the year.
LEAVE—On account of ill health how to be applied for by Revd. Chaplains and Assistant Chaplains,	25th June, 1845.	13	1846
——— To uncovenanted Servants of Government, rules for regulating, ...	24th July, 1846.	15	1846
LICENSES—For the exportation of Arms, Ammunition and Military stores to be granted by the Magistrates, who will exercise the powers specified in Act No. XVIII. of 1841, mode of procedure in ordinary cases and in case of emergency, form of license—prohibition of fees, ...	3rd Feby., 1844.	16	1844
M.			
MAGISTRATES—Instructions for—in regard to management of a reclaimed or surrendered Budhucks who may be employed in their Police, ...	11th August, 1845.	41	1845
——— Furnished with instructions for the disposal of convicts sentenced to transportation beyond Seas, ...	12th Septr., 1845.	42	1845
———Desired to be careful to send with each convict under transmission to the Allipore Jail, a Descriptive Roll, and also a copy of the Warrant under which he is confined, ...	9th Jany., 1846.	9	1846
——— Furnished with forms of the Descriptive Roll above referred to, ...	15th Octr., 1846.	16	1846
——— Prohibited from entertaining substitutes for sick or absent men of the Police Battalions—rules for guidance on occasions of such vacancies, ...	30th March, 1846.	11	1846
MEDICAL—Allowance of 50 Rs. per mensen to Sub-assistant Surgeons, when placed in sole charge of the Medical duties of a Civil station, ...	8th April, 1846.	11	1846
MEDICAL CERTIFICATES—Signed by the Medical Officer who has been attending the applicant, and countersigned by the Superintending Surgeon, to accompany all applications from Reverend Chaplains and Assistant Chaplains for leave of absence on account of ill health, ...	25th June, 1846.	13	1846
MEDICAL OFFICER—In Civil Medical employ, proceeding on leave of absence, from the station to which he is attached, whether on private affairs, or on Medical Certificate shall forfeit, during the period of such absence, the whole of his Civil salary, and shall be entitled to draw his Military pay and allowances only, subject to the rules in the Military Department, ...	22nd Novr., 1843.	15	1844

M. N. P.	Date.	Page.	Vol. for the year.
MEDICAL OFFICER—Performing the duties of an absentee, shall receive the entire allowances of the situation in which he may be appointed to officiate, unless he be in Medical charge of a Regiment, or the wing of a Regiment at the same station, in which case he will receive his allowances for such charge, and 100 Rs. a month additional for the performance of the Civil duties, ...	22nd Novr., 1843.	15	1844
——— Absent from his duty, whether on Medical Certificate, or on account of his private affairs, for a period of six months at one time, shall not be permitted to return to his Civil appointment without a fresh nomination thereto, and shall be considered from the date of expiration of the six months to be at the disposal of the Commander-in-Chief, ...	22nd Novr., 1843.	15	1844
——— Civil Assistant Surgeons to visit out-stations four times a year, and to draw travelling allowance at 8 annas per mile, and deputation allowance of 5 Rs. per diem for the period of their absence from their own station—period of absence regulated—extra visits will require special sanction of Government—charges to be included in the Magistrate's Contingent Bill—nearest Assistant Surgeons to be called upon, ...	4th Novr., 1844.	30	1844
METALLING—Practical observations upon—by the Superintending Engineer, N. W. P.,—*see Kunkur*,	22nd May, 1845.	23	1845
MILITARY STORES—Exportation of,—*see Licenses*, .	3rd Feby., 1844.	16	1844
MOONSIFFS—In Zillah Goruckpore, invested with the powers of Covenanted Assistants to Magistrates under Regulation IX. of 1807, ...	31st Jany., 1844.	16	1844
N.			
NAINEE TALL—In Kumaon, rules regarding the Settlement at, ...	7th June, 1845.	29	1845
——— Introduction of the provisions of Act X. of 1842, into the Settlement, ...	7th June, 1845.	30	1845
P.			
PENALTIES—For infringement of Customs Rules, ...	10th Feby., 1844.	21	1844
PENSION—Personal allowance not to be taken into calculation in determining the rate of, ...	27th Septr., 1844.	28	1844

P.	Date.	Page.	Vol. for the year.
PENSION—Jailors authorized to be included in the list of public servants entitled by the existing Pensions, rules to a superannuation Pension, ...	11th Septr., 1844.	27	1644
PENSIONERS—Holding appointments if the salary of any appointment exceeds the amount of the Pension, the excess alone is to be drawn by the incumbent. In addition to his Pension, if there should be no excess, no extra remuneration is to be made for the appointment, ...	20th March, 1846.	11	1846
PERSONAL ALLOWANCE—Not to be reckoned towards a Pension, and not to be continued after cessation of performance of the active duty for which it was granted, ...	27th Septr., 1844.	28	1844
PICE TIRSOOLEE—(Draft of proposed resolution) to be received at the Sudder Treasuries of the Collectors of Benares and Mirzapore in any sums until 1st August, 1844, rate of exchange, any pice not of due weight and device, or not coined at a Government Mint to be rejected as spurious, ...	26th June, 1844.	26	1844
POLICE BATTALIONS—All Officers in charge of—whether for a time or permanently, invested with the powers of a Joint Magistrate at the places where their Corps may be stationed, ...	15th Jany., 1846.	10	1846
——— Prohibiting Magistrates from entertaining substitutes for sick or absent men,	30th March, 1846.	11	1846
POLICE OFFICERS—Subordinate establishments of certain Superintendents of Canals invested with the powers of—for the enforcement of penalties under Act VII. of 1845, ...	31st May, 1845.	31	1845
POST-MASTERS—Instructions for the guidance of—to ensure the punctual delivery of Family Remittance Rolls of the Native Soldiery, if the person addressed lives within the ordinary sphere of the Post Office delivery, ...	30th May, 1845.	29	1845
POST OFFICE—Rules regarding the establishment of District Dawks, ...	2nd April, 1846.	12	1846
——— For District Dawks,—*see Dawks*, ...	—	—	—
POWERS—Of Covenanted Assistants to Magistrates under Regulation IX. of 1807, Moonsiffs—in Zillah Goruckpore, invested with, ...	31st Jany., 1844.	16	1844
——— Of Covenanted Assistants to Magistrates under Regulation IX. of 1807, Sudder Ameen of Pillibheet, invested with, ...	27th Septr., 1844.	26	1844

P.	Date.	Page.	Vol. for the year.
POWERS—Of Custom House Officers—Collectors of Land Revenue adjoining the Oude Territory and their establishments, invested with—to enable them to check the illicit importation of Salt from Oude, ...	10th Feby., 1844.	22	1844
——— Of Cantonment Joint Magistrate, Brevet Major, E. R. Mainwaring, Superintendent of Sudder Bazar and Cantonment Police at Cawnpore, invested with, ...	7th June, 1844.	29	1844
——— Described in Clause 3, Section 2, Regulation III. of 1821, Mr. J. Walker, Deputy Collector under Regulation IX. of 1833, in Mirzapore, invested with, .. .	18th Octr., 1844.	28	1844
——— Ditto ditto Mr. J. E. S. Brandreth, Assistant to the Magistrate and Collector of Benares, invested with, ...	9th Jany., 1844.	29	1844
——— Of Deputy Magistrate under Act XV. of 1843, Mr. G. Wyatt, Deputy Collector under Regulation IX. of 1833, in Benares, invested with,	23rd March, 1844.	24	1844
——— Ditto, Mr. J. H. Walker—ditto ditto in Goorgaon, invested with, ...	29th May, 1844.	25	1844
——— Ditto, Mr. J. G. Ross, Deputy Collector under Regulation IX. of 1833, in Rohtuck, invested with, ...	3rd August, 1844.	27	1844
——— Ditto——ditto with powers exercised by Covenanted Assistants to Magistrates under Regulation IX. of 1807. The Sudder Ameen at Pillibheet, invested with, ...	27th Septr., 1844.	28	1844
——— Ditto——ditto with the powers described in Clause 3, Section 2, Regulation III. of 1821, Mr. J. Walker, Deputy Collector under Regulation IX. of 1833, at Mirzapore, invested with, ...	18th Octr., 1844.	28	1844
——— To Commissioners to offer rewards not exceeding 100 Rupees for the discovery or apprehension of any person charged with the commission of any heinous offence,—*see Rewards*, ...	19th March, 1844.	23	1844
——— Of Police Officers under Regulation XI. of 1831, the Tehseeldars of Pergunnahs Bowana and Nujufgurh in the Delhie district, invested with, ...	10th June, 1844.	26	1844
——— Of Special Commissioner under Regulation III. of 1828, Mr. J. Lean, Additional Judge in Rohilkund, invested with, in Bareilly, ...	26th Feby., 1844.	23	1844

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POWERS—Of Joint Magistrates and Deputy Collectors, Superintendents of certain Canals, invested with, ...	31st May, 1845.	31	1845
——— Of Joint Magistrates—to all Officers in charge of Police Battalions, ...	15th Jany., 1846.	10	1846
PRISONERS—Sentenced to transportation beyond Seas prescribing arrangements for the disposal of, —*see Convicts*, ...	——	—	—
R.			
REGISTER OF DEEDS—Post of Principal Sudder Ameens to be appointed to—in all future vacancies, in the event of there being no Officer of that grade in a district, the Judge will report through the Sudder Court, for the approval of Government the name of the person best qualified for the situation, ...	19th Octr., 1844.	28	1844
——— Principal Sudder Ameen of Banda appointed at that station to be, ...	19th Octr., 1844.	29	1844
REMITTANCE ROLLS—Of the Native Soldiery enjoining all Post-masters and Collectors to exert themselves to ensure the punctual delivery of—instructions for their guidance, ...	30th May, 1845.	29	1845
——— Ditto—arrangements for ensuring the careful and punctual transmission of—through Collectors of Land Revenue and Officers in charge of Civil Treasuries, ...	28th Feby., 1846.	10	1846
RESOLUTION—For giving effect to Act VII. of 1845, regarding Canals, ...	31st May, 1845.	31	1845
REVENUE OFFICERS—Subordinate establishments of certain Superintendents of Canals, invested with the powers of—for the levy of rent under Act VII. of 1845, ...	31st May, 1845.	31	1845
REWARDS—Commissioners of Police empowered to offer a reward not exceeding 100 Rupees for the discovery, or apprehension of any person charged with the commission of any heinous offence. Applications for the offer of rewards exceeding 100 Rs. for each offender must be submitted by them for the sanction of Government, with a detail of the circumstances of the case. Commissioners are competent to authorize the payment of all rewards, the offer of which has been duly sanctioned, ...	19th March, 1844	23	1844

R. S.	Date.	Page.	Vol. for the year.
ROADS—Metalling—Practical observations upon—by the Suptdg. Engineer, N. W. P.,—*see Kunkur,*	22nd May, 1845.	23	1845
ROAD COMMITTEES—Directions for the guidance of—in the disbursements of the funds committed to their charge. Urging the introduction of palliatives so far as means will allow, whenever the more perfect and costly modes of overcoming obstructions upon a road cannot be accomplished. No bridge or masonry work of any size costing more than 100 Rupees should be commenced without the approval of the Executive Officer or Superintending Engineer; the Committee to keep themselves informed of the state of the Roads in the district, both by personal observation and the reports of casual travellers,	5th June, 1844.	26	1844
ROWANNAHS—CUSTOMS—Extending the currency of—Penalties for illegal acts connected therewith,	10th Feby., 1844.	20	1844
RULE XXIII. dated 10th February 1844 (amended) exported Cotton, to pass without impediment across the line, uncovered by a Maffee Rowannah or by any other Certificate, ...	12th Decr., 1845.	46	1845
RULES—For giving effect to the provisions of Act XIV. of 1843, for regulating the levy of Customs Duties and the manufacture of Salt in the N. W. Provinces of the Presidency of Bengal,..	10th Feby., 1844.	16	1844
——— For the guidance of the Road Committees in the disbursement of the funds committed to their charge, ...	5th June, 1844.	25	1844
——— Regarding the grant of leave of absence to Sub-assistant Surgeons in the N. W. Provinces,	11th Septr., 1844.	27	1844
——— For the guidance of Chaplains at Military Stations, ...	10th April, 1845.	22	1845
——— Regarding the settlement of Nainee Tall in Kumaon, ...	7th June, 1845.	29	1845
——— Regarding the establishment of District Dawks,	2nd April, 1846.	12	1846
——— Regarding the employment of Reverend Chaplains upon Clerical duties at the Hill Stations,..	1st July, 1846.	13	1846
——— Regarding Travelling Allowances for Uncovenanted Servants of Government, ...	11th July, 1846.	14	1846
——— For regulating leaves of absence and acting allowances to ditto, ...	24th July, 1846.	15	1846
——— Passed on the 10th February 1844. Modification of—for giving effect to the provisions of Act XIV. of 1843, Customs line delineated from the North Western Frontier to the Mirzapore District, the Cities and Marts of Bindrabun, Muttra and Agra excluded from Customs jurisdiction, ...	28th Octr., 1846.	18	1846

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S.			
SALARY—The proportion to be drawn by a Pensioner holding an appointment in addition to the amount of his Pension, ...	20th March, 18 46	11	1846
SALT—The manufacturing and storing of—in pergunnah Noh, Zillah Goorgaon, under the supervision and control of the Officers of the Customs department, sanctioned, ...	12th Septr., 1845	42	1845
SCHOOLS—Indigenous village—publishing orders in English and Urdoo, which have been issued on the subject, ...	19th June, 1845.	39	1845
SEPOY FAMILY REMITTANCES—Instructions for the guidance of Post-masters and Collectors to ensure the punctual delivery of, ...	30th May, 1845.	29	1845
——— Arrangements for ensuring the careful and punctual transmission of, through Collectors of Land Revenue and Officers in charge of Civil Treasuries, ...	28th Feby., 1846.	10	1845
SIMLAH—All regular as well as special Appeals, which may hereafter be preferred against the decisions of the Sub-Commissioner at Simlah, in Civil cases, shall be heard and determined by the Court of Sudder Dewanny Adawlut, N. W. P., ...	12th July, 1845.	41	1845
SPECIAL COMMISSIONER—Under Regulation III.1828, Zillah Bareilly. Mr. J. Lean, Additional Judge in Rohilkund, invested with the powers of, ...	26th Feby., 1844	23	1844
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LIBRARY

North Western Provinces.

FOR THE YEAR

1847.

RE-PUBLISHED FROM THE AGRA GOVERNMENT GAZETTE,

BY ORDER OF THE HONORABLE

The Lieutenant Governor,

N. W. P.

AGRA;

W H HAYCOCK, SECUNDRA ORPHAN PRESS.

1848.

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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

ACTS.

Act No. I. of 1847.

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

Whereas it is desirable with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

I. It is hereby enacted, that it shall be lawful within the Territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing the limits of those Fields or Estates whenever they may be of opinion that such demarkation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates requiring them to form or repair the said boundary marks within ten days from the date of the notice and in the event of these persons not being found in the Village that the said requisition shall be posted at the Village, Chowree or Chopal, or other conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of Land Revenue.

IV. And it is hereby enacted that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured; one-half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the Collector or other Officer authorized to make the demarkation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII. 1822 and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance under Act IV. of 1840, of boundary disputes of the nature for which provision is here made, but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarkation.

The 30th January, 1847.

ACT No. II. OF 1847.

An Act to declare the meaning and extent of certain words in Act V. of 1840.

Whereas by section 4 of Act V. of 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace:—

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to and not to mean nor extend to the Courts of the Justices of the Peace.

The 13th February, 1847.

ACT No. V. OF 1847.

An Act to facilitate the execution of the Sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails shall be competent to give effect to any sentence that may be passed by any Court established or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any one of the Presidencies of Fort William in Bengal. Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And it is hereby enacted, that a warrant under the Official Seal and Signature of the Officer or Officers exercising Criminal Jurisdiction within such States or Territories as aforesaid shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner, and that pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

The 10th April, 1847.

ACT No. X. OF 1847.

An Act for amending Act XXX. of 1836.

It is hereby enacted, that within the Territories subject to the Government of the East India Company whenever any Court not included under the provisions of Act XIV. of 1844, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea, for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

The 19th June, 1847.

ACT No. XII. OF 1847.

An Act for repealing the Law which authorises the imposition of Fines on Moonsiffs and Sudder Ameens.

Whereas it was enacted, by clause 3, section 9, Regulation XXIII. of 1814 of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorized to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final.

And whereas by section 67 of the said Regulation, the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameens, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated judicial position which they now occupy.

It is therefore hereby enacted that clause 3, section 9, Regulation XXIII. of 1814, and section 67 of the said Regulation, so far as it declares the said clause to be applicable to Sudder Ameens, are repealed.

The 21st August, 1847.

ACT No. XIV. OF 1847.

An Act for repealing parts of Section 3, Regulation IV. 1793, and Section 3, Regulation III. 1803, of the Bengal Code.

It is hereby enacted, that so much of section 3, Regulation IV. 1793, and of the corresponding part of section 3, Regulation III. 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

The 28th August, 1847.

ACT No. XVII. OF 1847.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

Whereas inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the Territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default.

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant in all suits or appeals now pending or hereafter to be brought, and in all suits which have been decided but are still open to appeal, shall be held to be cured whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

The 6th November, 1847.

ACT No. XVIII. OF 1847.

An Act for curing the invalidity in Registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.

Whereas instances have occurred of persons exercising the office of Register of deeds who have not been duly appointed, and whereas in some cases registration of deeds has been made on other than Court days, that is on days other than those on which the zillah or city Court has been open for business, and doubts may therefore arise as to whether the registration of any deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law.

I. It is therefore hereby enacted, that acts which may have been done in that capacity in any zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Register of deeds without being duly appointed to the said office shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of deeds, or by the person having charge of the office without being duly appointed, in any zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

The 27th November, 1847.

ACT No. XX. OF 1847.

An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

Whereas doubts may exist whether the right called copyright can be enforced by the Common Law of England in those parts of the Territories subject to the Government of the East India Company into which the Common Law of England bas been introduced.

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the Territories subject to the Government of the East India Company:

And whereas for the encouragement of learning it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable for easy enforcement in every part of the said Territories:

And whereas it is doubtful whether the Act of Parliament 5 and 6, Victoria, C. 45, entitled "*an Act to amend the Law of copyright,*" although such Act extend to every part of the British Dominions, has made appropriate and sufficient provision for the enforcement in every part of the said Territories subject to the Government of the East India Company of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the Courts established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the copyright in every book published in the life-time of its author within the said Territories after the passing of the Act of Parliament 3 and 4, Wm. 4, C. 85, entitled "*an Act for effecting an arrangement with the East India Company and for the better Government of His Majesty's Indian Territories till the 30th day of April,* 1854," shall endure for the natural life of such author, and for the further term of seven years commencing at the time of his death and shall be the property of such author and his assigns: Provided always that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book published after the death of its author and after the passing of the Act of Parliament last aforesaid shall endure for the term of forty-two years from the first publication thereof and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor General in Council on complaint made to them that the proprietor of the copyright in any book published after the passing of this Act within the said territories, has after the death of his author refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public to grant a licence to such complainant to publish such book in such manner and subject to such

conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such licence.

III. And it is hereby enacted, that a book of registry wherein may be registered as hereinafter enacted the proprietorship in the copyright of books and assignments thereof, and licences affecting such copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of eight annas for every entry which shall be searched for or inspected in the said book, and that such officer shall whenever thereunto reasonably required, give a copy of any entry in such book certified under his hand, to any person requiring the same on payment to him of the sum of two rupees, and such copies so certified shall be received in evidence in all Courts and in all Summary proceedings, and shall be *primâ facie* proof of the proprietorship or assignment of copyright or licence as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make or cause to be made any false entry in the registry book aforesaid or shall wilfully produce, or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of a misdemeanour and shall be punished with imprisonment with or without hard labor for a term not exceeding three years.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of copyright in any book published after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, to make entry in the registry book of the title of such book, the time of the first publication, and the name and the place of abode of the publisher thereof, and the name and the place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright in the form in that behalf given in the schedule to this Act annexed upon payment of the sum of two rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof in the form given in that behalf in the said schedule on payment of the like sum; and such assignment so entered shall be effectual in Law to all intents and purposes whatsoever without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under color of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting to any Judge of such Court sitting in chambers for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a Judge as aforesaid, such Court or Judge shall make such order for expunging, varying or confirming such entry either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisition of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print or cause to be printed either for sale or exportation, any book in which there shall be sub-

sisting copyright without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court, and if he shall have so offended in any other part of the Territories subject to the Government of the East India Company to a suit in the zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there, and if he shall have so offended in any such last mentioned part of the Territories subject to the Government of the East India Company in which there is no zillah Court, to a suit in the highest local Court exercising original civil jurisdiction in such part of the said Territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter under the provisions of this Act against any person for printing any such book for sale, hire, or exportion, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed to sale or hire, or for having in his possession for sale or hire any such book so unlawfully printed, the defendant on pleading thereto shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published; otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication with the title, time and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act in any such suit or action as last aforesaid brought in any zillah Court or other local Court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on, and which by the last preceding section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall within the said Territories before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, have projected, conducted and

carried on, or shall hereafter project, conduct or carry on, or be the proprietor of any Encyclopædia, Review, Magazine, Periodical work or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any person to compose the same, or any Volumes, Parts, Essays, Articles or Portions thereof for publication in, or as part of the same, and such Work, Volumes, Parts, Essays, Articles or Portions shall have been, or shall hereafter be composed under such employment on the terms that the copyright therein shall belong to such Proprietor, Projector, Publisher or Conductor, and paid for by such Proprietor, Projector, Publisher or Conductor, the copyright in every such Encyclopædia, Review, Magazine, Periodical work and work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and Portion so composed and paid for shall be the property of such Proprietor, Projector, Publisher or Conductor, who shall enjoy the same rights as if he were the actual author thereof and shall have such term of copyright therein as is given to the authors of books in this Act, except only that in the case of Essays, Articles or Portions forming part of and first published in Reviews, Magazines or other Periodical works of a like nature after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher or Conductor shall not publish any such Essay, Article or Portion separately or singly without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining or having such right shall be entitled to the copyright in such composition when published in a separate form according to this Act without prejudice to the right of such Proprietor, Projector, Publisher or Conductor as aforesaid.

XI. And it is hereby enacted, that the Proprietor of the copyright in any Encyclopædia, Review, Magazine, Periodical work or other work published in a series of Books or Parts shall be entitled to all the benefits of the registration in the office of the Secretary to the Government of India for the Home Department, under this Act on entering in the said book of registry the title of such Encyclopædia, Review, Periodical work or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number or Part thereof, or of the first Volume, Number or Part first published after the passing of this Act in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 and 4 Wm. 4, C. 85, and the name and place of abode of the Proprietor thereof and of the Publisher thereof when such Publisher shall not also be the Proprietor thereof.

XII. And it is enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book and which shall have been unlawfully printed without the consent of the registered proprietor of such copyright in writing under his hand first obtained shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such registered proprietor

shall be entitled to sue for and recover such copies or damages for the detention thereof in an action of detenue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover, and that if the case be within the jurisdiction of any zillah Court or other local Court as aforesaid, the registered proprietor shall be entitled to sue for and recover such copies or damages for the detention or conversion thereof, in such form as is in use in the said zillah or other local Courts for the recovery of specific personal property or damages for the detention or conversion thereof.

XIV. And it is enacted, that no proprietor of copyright in any book first published after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85 shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such copyright unless he shall before commencing such action, suit or proceeding have caused an entry to be made in the book of registry at the office of the said secretary of such book pursuant to this Act. Provided always that the omission to make such entry shall not affect the copyright in any book nor the right to sue or proceed in respect of the infringement thereof except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever for doing or causing to be done any thing in pursuance of this Act, the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs for which he shall have the same remedy as a defendant in any case by Law hath in the said last mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictment, informations and other criminal proceedings for any offence which shall be committed against this Act shall be brought, sued and commenced within twelve calendar months next after such offence committed or else the same shall be void and of none effect.

XVII. Provided always and it is enacted, that nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing this Act except as herein expressly enacted; and all contracts, agreements and obligations made and entered into before the passing of this Act and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the entry.	Title of book.	Name of the publisher and place of publication.	Name and place of abode of the proprietor of the copyright.	Date of first publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of entry.	Title of Book.	Assigner of the copyright.	Assignee of the copyright.
	(Set out the title of the book and refer to the page of the registry book in which the original entry of the copyright thereof is made.)		

G. A. BUSHBY,

The 18th December, 1847. *Secy. to the Govt. of India.*

ORDERS OF THE GOVERNMENT, N. W. P.

FOR 1847.

No. 1942 of 1846.

FINANCIAL DEPARTMENT.

Agra, the 16th October, 1846.

With reference to the rules for regulating leave of absence, and acting allowances to uncovenanted public officers, published in the *Agra Gazette* of the 1st September, 1846, the Hon'ble the Lieutenant Governor North Western Provinces, is pleased to resolve as follows:

1. Principal Sudder Ameens and Sudder Ameens, will obtain leave of absence from the Court of Sudder Dewanny Adawlut under rule I., and from Government under the remaining rules, on application made through the customary channels. Deputy Collectors of land revenue, under Regulation IX. of 1833, and Deputy Collectors of customs will similarly obtain leave from the Sudder Board of Revenue under rule I., and from the Government under the remaining rules. Moonsiffs will obtain leave under all the rules from the Court of Sudder Dewanny Adawlut.

2. Under rule I. all heads of offices and departments are competent to grant leave of absence to their immediate subordinates during authorized vacations, except as provided in the preceding paragraph. With reference to the provisions of rule XII., the following authorities are hereby declared competent to grant leave, in the other cases contemplated by the rules, to any person in the receipt of a salary of 100 rupees a month or upwards, (with the exception above noted) on their own establishments or on those of the officers subordinate to them in the departments specified.

* This Resolution ought to have appeared in the Acts and Orders for 1846.

In the Revenue Department.—The Commissioners of Revenue.

In the Judicial Department.—The Sessions Judges.

In the Customs Department.—The Collectors of Customs.

In the Post Office Department.—The Post-master General.

3. All other heads of offices, not subordinate to any of those abovenamed, are hereby authorized to grant leave of absence under any of the rules to any person immediately subordinate to them, whose salary may amount to 100 rupees or upwards.

4. In the Education Department, the Local Committees are declared competent to grant leave on authorized vacations, to all officers under them. All other applications from officers drawing 100 rupees or upwards will be submitted for the orders of Government As regards officers drawing less than 100 rupees monthly salary, the Local Committees will exercise the same discretion which is left to other heads of departments, observing the spirit of the rules so far as circumstances will permit. When granting leave in such cases, the Local Committees will report for the information of Government the arrangement which they may make for the performance of the duties of the absentee.

5. The Court of Sudder Dewanny Adawlut will notify in the *Gazette* all orders granting leave to moonsiffs for other periods than the authorized vacations. No other leave of absence granted under this resolution by any other authority than the Government need be published in the *Gazette.*

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

NOTIFICATION.

The 22nd December, 1846.

With reference to paragraph 7 of the notification of October 9th 1845, the Hon'ble the Lieutenant Governor is pleased to make known for general information, that the Right Hon'ble the Governor General of India has authorized the appointment of 20 Sub-assistant Executive Engineers as soon as a sufficient number of duly qualified persons present themselves. There are at present 19 vacancies. The next examination will be held early in March next. Candidates for the appointments are requested to submit their applications before that date, and in so doing to conform to the requisitions contained in paragraph 6 of the above notification.

J. THORNTON,

Secy. to the Govt., N. W. P.

No. 5365.

SEPARATE REVENUE DEPARTMENT.

Lieut.-Govr.'s Camp, the 23rd December, 1846.

It having been shewn that the existing rules for the levy of duties on cotton, upon its passing the North Western Frontier line admit of alteration, so as to meet the convenience of the trader without diminishing the security for the realization of the authorized duties, the Hon'ble the Lieutenant Governor of the North Western Provinces has been pleased to make the following modifications in the rules of February 10th, 1844, and to promulgate them for general information under the provisions of section 3, Act XIV. 1843.

Rule XXIII. (Amended.) Cotton, being free from duty on exportation, shall pass without impediment across the line, when proceeding from the northward and eastward, and shall not require to be covered by a *mauffee* rowannah or any other certificate.

Rule XXXIII. The words " clean cotton" are struck out of this rule which will run thus " the bringing of Saccharine produce or sugar uncovered," &c.

Rule XXXV. (Amended.) Cotton cleaned or uncleaned may be brought free of duty and unaccompanied by a rowannah to any mart south or west of the line of chokees, or on the line of chokees, but the attempt to import the cotton across the line, unless it be covered by a rowannah, shall subject the offenders to all the penalties prescribed by the Act, save and except that all uncleaned cotton, the produce of villages intersected by the line, or situate within half a mile of the line on either side, shall not be liable to any duty.

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

No. 273.

REVENUE DEPARTMENT.

Lieut.-Govr.'s Camp, the 18th January, 1847.

The following paragraphs of a letter from the Hon'ble the Court of Directors No. 11, dated the 22nd September, 1846, relating to the cultivation and manufacture of tea in the North Western Provinces are published for general information.

2. "We received by the 'Minerva' a small box and two canisters of tea, the produce of the Government tea nursery at Kalaghir in the Deyrah Dhoon, alluded to in your letter of the 22nd November, (No. 12), 1845.

3. "These samples have been submitted to the inspection of qualified persons in this country and by the reports of Messrs. Thompson and Son, W. Hunt, and Messrs. Ewart, which we now transmit, you will perceive that the tea is pronounced to be equal to China tea of a superior class, possessing the flavor of the Orange Pekoe, but more than the usual strength of that tea,—in other respects resembling that imported as Ning Yong. You will take measures for giving publicity to these reports.

4. "Comparing this tea with the samples formerly received, the reports on which were forwarded with our despatch of the 28th February, 1844, (No. 1), the present specimens exhibit a marked improvement, the only defect pointed out being a 'slight peculiarity of smell' or 'deficiency of fragrance, probably arising from some defect in the firing.'

5. "These specimens are very creditable to the efforts of the Superintendent Dr. Jameson, and his establishment.

6. "The latest report of Dr. Jameson shows the quantity of land under tea cultivation in the districts of Kamaon and Gurhwal including the Dhoon to be 176 acres, and the total number of plants 3,22,579. The plant is stated to be thriving in different localities, extending over 4 degrees of latitude and 8 of longitude and that 1,00,000 acres are available in the Dhoon only, for purposes of tea cultivation.

7. "We observe that at a sale which took place at Almorah, 173 seers of this tea produced from 4 to 5 Rs. per seer, and Dr. Jameson is of opinion that the produce of 6,000 acres of land would yield a surplus of Rs. 2,30,266 per annum, making in this calculation suitable allowance for a considerable reduction in the sale price, on the supply being increased to that extent, and sold in Calcutta: it is stated, however that the demand for the article in the Hill provinces would be very extensive. The only obstacle to the general use of the Kumaon tea by the middling and better classes in those localities being the high price at which it has hitherto sold.

Estimate for 6,000 acres.	Rupees.
Establishment, ...	87,000
Manufacturing and packing 6,000 maunds, ..	6,234
Land and river carriage of ditto to Calcutta, ...	11,300
Contingencies, ...	7,200
Rent at 3 Rs. per acre, ...	18,000
	1,29,734
Value of 6,000 maunds at Rs. 1-8 per seer, ..	3,60,000

8. "We feel a deep interest in this subject, and attach great importance to the success of a project from which considerable advantages would arise to the agricultural community of these districts, who would, it is stated, readily undertake the cultivation of the plant if encouraged to do so."

Report on the Tea manufactured in the Deyrah Dhoon received per "Minerva," June 1846.

Appearance of the Tea.

Well made, as well as China tea, and similar to the blackish, mixed curled Tetsong description.

SMELL.

As China tea, but deficient in fragrance, arising probably from some defect in the firing.

COLOR OF THE INFUSION.

Bright and good.

TASTE.

Rich, good and strong.

EXPANDED LEAF.

As the finer tea from China.

AROMA.

As good China tea.

From this, and examinations of former samples, I am quite satisfied that the tea-shrub in Kumaon is not only identical with the China plant, and as capable of being made into as fine a description of tea, but also that the climate and soil in Kumaon is as suited to the favorable growth of the shrub as the finest of the China localities.

The 8th June, 1846. (Signed) W. A. HUNT.

The leaf is well made, curled, of the Ankoi Pekoe class mixed black and brown, and closely resembles that class of China tea.

The flavor is very strong, and would therefore be serviceable for mixing, but so "coarse burnt" that all richness of flavor is destroyed.

(Sd.) W. THOMPSON AND SONS.

38, *Mincing Lane, the 6th June,* 1846.

The sample of tea marked as manufactured in the Deyrah Dhoon, August 1845, in leaf somewhat resembles the tea imported from China as Ning Yong, with something of the character both of Oolong and orange Pekoe. In flavor it most resembles the better descriptions of orange Pekoe, having with the brisk burnt flavor of that description, more than its usual strength.

There is however in this sample a slight peculiarity of smell and flavor, which is rather objectionable, but it probably arises from some accidental cause to which this sample may have been exposed either in curing or subsequently.

We consider it a good useful description of tea.

(Sd.) E. MACCOUGHEY AND DELAFOSSE,
Brokers.

Copthall Court, the 17th June, 1846.

By Order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J THORNTON,
Secy. to the Govt., N. W. P.

No. 633.

NOTIFICATION.

The Honorable the Lieutenant Governor is pleased to publish the following Rule in addition to the Rules of 10*th February*, 1844, *and to promulgate the same for general information under the provisions of section* 3, *Act XIV.* 1843.

RULE TO FOLLOW RULE XXX. SECTION 5.

The deposit of salt for the consumption of the people inhabiting the country over which the custom's jurisdiction extends shall be permitted at any place within the limits of such jurisdiction. The rowannah designed to cover such deposit shall be endorsed by the Collector or Deputy Collector of customs for that purpose, and shall remain in force till the whole be consumed. When it is desired to remove any portion of this salt, application shall be made to the Patrol or assistant Patrol at the nearest chokee, who will write off the quantity to be removed on the back of the original rowannah covering the goods, and if the quantity exceeds one seer, will grant a pass to protect so much of the article to its destination. This pass signed and sealed by the officer issuing it, shall set forth the following particulars.

The quantity of salt removed and the number and date of the rowannah covering the deposit.

The name of the purchaser of the salt removed, and place to which it is to be removed.

The pass shall be current for the period to be therein specified, which may be necessary for the removal and for such longer period as the salt may be kept at the place to which it is removed.

By Order of the Honorable the Lieutenant Governor of the North Western Provinces.

J. THORNTON,
Secy. to the Govt., N. W. P.

NOTIFICATION.

GENERAL DEPARTMENT.

The 16*th February*, 1847.

The Medical Board having represented that inconvenience has arisen from the Superintending Surgeons not receiving due information of changes among Sub-assistant Surgeons and other medical officers employed on civil duties, the Hon'ble the Lieutenant Governor is pleased to call the attention of all such officers to the point, and to request that they will on all occasions, report immediately to the superintending Surgeon of the division, the orders which they may receive through the Magistrate or otherwise, and the changes which may follow thereupon.

JUDICIAL AND REVENUE DEPARTMENT.

The Hon'ble the Lieutenant Governor is pleased to nominate the tuhseeldars of Powain and Julalabad in the district of Shahjehanpore, Deputy Magistrates under Act XV. of 1843, with powers of assistants as laid down in Regulation IX. of 1807.

J. THORNTON,
Secy. to the Govt., N. W. P.

NOTIFICATION.

All public officers stationed at Allahabad and above it, who may be entitled to receive supplies of stationery from the public stores, are directed to send their annual indents to the stationery office on the 1st July of each year, and those below it on the 1st October, so as to admit of the supplies reaching their destination by the commencement of the succeeding year.

2nd. The indents should show the balance in hand at those dates respectively.

Re-published by order of the Lieutenant Governor, North Western Provinces,

A. SHAKESPEAR,
Asst. Secy. to the Govt., N. W. P.

General Department, N. W. P., the 2nd March, 1847.

NOTIFICATION.

FOREIGN DEPARTMENT.

Dated Agra, the 11th of March, 1847.

Notification on the subject of passports for property travelling from British into Foreign Country and vice versâ.

It having been brought to the notice of the Hon'ble the Lieutenant Governor that inconvenience frequently arises from the detention and search of property belonging to Government or its officers in transit through foreign states, and also of property belonging to native chiefs, or their subjects when the owners are travelling through our own, or other foreign territories, His Honor is pleased, with the sanction of the Right Hon'ble the Governor General, to lay down the following rules in order to obviate such inconvenience in future.

Whenever a military officer is desirous of securing a free transit through a foreign territory for property belonging *bonâ fide* to himself, or to the Government, which may be passing from one part of the British territory to another, he should apply to the

commanding officer of the nearest military station to the point from which the articles are despatched, or to which they are proceeding for a pass in the Form A, hereto annexed. This pass will be drawn out both in English and in Oordoo and will be attested by the seal and signature of the commanding officer by whom it is granted. The several political officers are requested to communicate the form now prescribed to the officers of the native states with which they are connected, and to provide that the property covered by such passes shall be exempted from all interference on the plea of customs duties or otherwise.

Whenever any chief or other native of rank residing in a Foreign state may be desirous of travelling through British territory, or through that of any other Foreign state, and may wish to take with him for immediate consumption any reasonable quantity of articles liable to customs duty in the territory through which he is proceeding, he shall apply to the British political officer connected with the state in which he himself resides and obtain a pass both in Oordoo and English in the annexed Form B. If the pass so applied for is intended to cover the articles in any other Foreign state, the officer who grants it will immediately transmit a copy to the political officer attached to such state. If the pass is intended to have effect within the British territory, a copy will be forwarded direct to the Customs House officers within whose jurisdiction the dutiable articles will first arrive. All such officers are hereby directed to respect passes so given, but they are at liberty to report to their own superiors whenever they may consider that the quantity of any articles is excessive with reference to the probable consumption, or that any other circumstances connected with the transaction call for comment.

A.

Form of pass to be granted by commanding officers in order to cover goods the *bonâ fide* property of Government, or of British officers, in transit through Foreign states, from one part of the British territory to another.

Seal of Commanding Officer.

(Signature of Commanding Officer).

Be it known to all thanadars, tuhseeldars, Customs House officers and other agents of Government, British or Foreign.

Since the articles enumerated below being the property of
are being conveyed from to in charge of
it is requested that they may be allowed to pass without hindrance or demand of duties of any kind, and that such assistance as may be necessary may be rendered to the persons in charge of them.

Detail of Articles.

Specification.	Quantity.	Mode of conveyance.

Date

B.

Form of pass to be granted by political officers to natives resident in Foreign states in order to cover articles which may be liable to customs duty in the British, or other Foreign territory to which the owners may be proceeding.

Seal of Political Officer.

(Signature of Political Officer.)

Be it known to all thanadars, tuhseeldars, Customs House officers and other agents of Government, British or Foreign.

Since is about to proceed from to through the territory, and is taking with him the articles enumerated below for his own consumption and that of his attendants, it is requested that the said articles may be allowed to pass without hindrance or demand of duties of any kind.

Detail of Articles.

Specification.	Quantity.	Mode of conveyance.

Date

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

FOREIGN DEPARTMENT.

Camp Dehra, the 15th March, 1847.

The Governor General deems advisable to republish for general information the notification issued on the 30th August, 1843, in which the principle is laid down that it is contrary to the duty of every officer, Civil or Military, to make public, or to communicate to individuals, without the previous sanction of Government, any document, papers, or information, of which he may have become possessed in his official capacity.

FORT WILLIAM,
FOREIGN DEPARTMENT,
NOTIFICATION,
The 30th August, 1843.

Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be made public, or communicated to individuals, without the previous consent of the Government, to which alone they belong.

The officer in possession of such documents and papers, can only legitimately use them for the furtherance of the public service, in the discharge of his official duty, and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially.

(Signed) J. THOMASON,
Secy. to the Govt. of India.

The practice of making use of official information in carrying on personal controversies is a course highly prejudicial to the public interests, and is not only at variance with the rules by which due discipline and obedience to superior authority can be adequately maintained, but it is a positive breach of faith, inasmuch as no functionary has a right to reveal, without due authority from his official superiors, or the Home Authorities, any act or circumstance which may come to his knowledge in the performance of his duty, or to correspond with any one upon the instructions he may have received for his special guidance.

The Governor General is persuaded that every officer, Civil and Military, will henceforth conform to this rule of the service, under the conviction that, if in the transaction of his official duties, his public conduct be impugned, he is at liberty to seek redress through the usual official channel, by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character.

By Order of the Right Hon'ble the Governor General of India.

(Signed) H. M. ELLIOT, *Offg. Secy. to the Govt. of India, with the Governor General.*

Published by Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

A. SHAKESPEAR,

Agra, the 25th March, 1847. *Asst. Secy. to the Govt., N. W. P.*

No. 1001.

RESOLUTION.

FINANCIAL DEPARTMENT.

Head Quarters, the 1st June, 1847.

The following resolution passed by the Hon'ble the President in Council in the Financial Department, on the 6th ultimo, is published for general information.

Resolution.—" The President in Council resolves that with the exception of the Bank of Bengal, and the Chartered Banks of Madras and Bombay in all of which the Government is a joint proprietor, no shares in any private Bank or Joint Stock Company whatever, be accepted as a security from public officers of the Government."

By Order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J. THORNTON,
Secy. to the Govt., N. W. P.

NOTIFICATION.

REVENUE DEPARTMENT.

The Hon'ble the Lieutenant Governor is pleased to pass the following resolution, and to promulgate the same for general information.

The Secretary for the time being to the Committee at Mussoorie, appointed under Act X. 1842, is hereby invested with the powers of a Deputy Collector for the realization of land rents, and of a Deputy Magistrate for the levy of rates under section 6, Act X. 1842, within the limits of the settlement of Mussoorie, as defined in paragraph 8 of the bye-laws promulgated on September 25th, 1843.

J. THORNTON,
Secy. to the Govt., N. W. P.

NOTIFICATION.

SEPARATE REVENUE DEPARTMENT.

The 17th June, 1847.

Under authority granted by the Right Hon'ble the Governor General of India, the Hon'ble the Lieutenant Governor of the North Western Provinces, notifies that from July 1st next, the special duty leviable under Section 2, Act XIV. of 1843, upon salt passing from the North Western Provinces, eastward of Allahabad, shall be reduced to 12 annas per maund.

No. 610.

NOTIFICATION.

The Secretary Military Board begs to call the particular attention of heads of offices to the following paragraphs of the Government notification, dated the 11th September, 1839, the instructions contained in which are not in all cases acted up to.

Para. 3rd. Directing that the number of assistants, clerks and section writers by whom the stationery is used may be separately and distinctly stated in each indent.

Para. 8th. Requiring all public officers, immediately on receiving a supply of stationery, to forward receipts in duplicate for the same.

Para. 12th. Which is in substance as follows: In order to reduce the number of indents, and thus to simplify the clerical business of the stationery office, persons holding the situations below enumerated will include in their own annual indents the stationery required for the use of the subordinate officers under their control and for the separate offices dependent on them for their supply, viz., Judges, Magistrates, Collectors of Land Revenue, Collectors of Customs, Controller of Government Steam Vessels, Master Attendant, Commissariat Officers, Governor General's Agents, Salt Agents and Opium Agents.

II. Complaints having been frequently made that the quantity of stationery when received does not agree with that exhibited in the invoice or receipts, it is desirable that on the arrival of the stationery at its destination, the box or boxes be opened in the presence of the head of the office, and the contents compared with the receipts sent from the stationery office for signature.

III. Particular attention is also called to the notification of the 2nd March last relative to the dates on or before which indents are required to be sent in from station above and below Allahabad.

By Order of the Military Board under the authority of Government.

(Sd.) G. T. GREENE,

Secretary.

Fort William, Military Board's Office,
Stationery Department, 30th June, 1847.

Re-published by order of the Hon'ble the Lieut.-Governor of the North Western Provinces.

A. SHAKESPEAR,

Asst. Secy. to the Govt., N. W. P.

Agra, General Department, N. W. P., the 29th July, 1847.

NOTIFICATION.

No. 586 E. of 1847.

GENERAL DEPARTMENT.

Head Quarters, the 21st July, 1847.

The candidates for the appointment of Sub-assistant Executive Engineers, noted in the margin* presented themselves for examination before the Committee appointed by the orders of 9th October, 1845, consisting of

* Buldeo Buksh.
Luchmun Singh.
Petumber Shah.
Maddhoo Ram.
Sham Loll.
Mr. E. T. S. J ohnson
Hurree Churn.
Munohur Loll.

Major W. E. Baker, Engineers,.... *President.*

Captain J. R. Oldfield, Engineers,
J. Middleton, Esquire, Principal, Agra College,
Doctor A. Sprenger, Principal, Delhi College,
} *Members.*

Four of these candidates, viz. Buldeo Buksh, Luchmun Singh, Petumber Shah and Maddoo Ram, were pronounced sufficiently qualified in the most important theoretical branches of their profession, and have been allowed to prosecute their further studies at Roorkhee, under the superintendence of the Director of the Ganges Canal, with the prospect of receiving their appointments if they qualify themselves in the practical parts of their duties within six months from the date of joining.

Sham Loll was also considered qualified in some branches, but as he has obtained responsible civil employment in the Jullunder Dooab he will now receive from the Committee a certificate of his acquirements. Mr. E. T. S. Johnson and Munohur Loll, though not sufficiently qualified to obtain appointments yet shewed very creditable attainments, of which they will receive certificates.

Hurree Churn is a scholar in the Agra College, where he will continue to prosecute his studies.

By Order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

NOTIFICATION.

No. 16 of 1847.

FOREIGN DEPARTMENT.

Head Quarters, the 9th August, 1847.

The Agent to the Governor General for the States of Bundelcund having addressed a letter to the several chiefs urging the abolition of the rite of suttee, abstracts of their replies agreeing to the Agent's proposition are herewith published, for general information.

Khareeta from Nawab Zoolficar Alie Bahadoor, dated 13th June, 1847, in reply to Agent's khareeta of the 21st May, 1847.

States that the abolition of suttee is most desirable, and that the request of the Government will be executed by him with the greatest pleasure.

Khareeta from the nawab of Baonie, dated 21st June, 1847, in reply to Agent's khareeta of the 21st May, 1847.

States on receiving the Agent's khareeta with extract from *Government Gazette* of the 4th May, 1847, connected with the abolition of suttee, he had great pleasure in issuing orders for its prevention throughout his estate.

Khareeta from the Raja of Churcarie, dated 19th June, 1847, in reply to Agent's Khareeta of the 21st May, 1847.

States that for a long time, it has been his wish that suttee should be abolished but some of his people from bigotry would not acquiesce in his opinion; however, now that the Government have communicated their desire for its suppression, he will make arrangements for the prevention of it and "brahminee."

Letter from the Raja of Surreela, dated 23rd Jeth, 1904 Sumbut, to the Agent Governor General, in reply to his letter of the 21st May, 1847.

According to your instructions the abolition of suttee has been ordered throughout my estate. No widow shall be permitted to burn herself; should a widow come from any other part to burn herself on my estate, I will do all in my power to prevent her, and if this will not do I will have her seized and sent to you.

Khareeta from Maha Raja Benaick Rao to the Agent, dated 27th Jumadossanie, 1263.

Your letter of the 21st of May, on the subject of the abolition of suttee, has reached me with a copy of the *Government Gazette* of the 4th May. The contents have given me great satisfaction. May God always preserve the British Government's reign over the people.

Letter from the Raja of Jhansie, dated 28th May, 1847, in reply to one from the Agent Governor General, dated 21st May.

States that the Agent's letter has been duly received, and that although the custom of performing suttee has been in existence for many generations, still as it is the desire of the Supreme Government that it should be abolished, a proclamation has been issued throughout the Jhansie territories, prohibiting all classes from performing the rite.

Hindee letter from the jageerdar of Aleepoor, dated 22nd June, 1847, in reply to Agent's purwana of 21st May, 1847.

States that in conformity with the Agent's injunction, he has forbidden suttee throughout his jageer.

Urzee from the jageerdar of Khuddee, dated 15th June, 1847, in reply to Agent's purwana of the 21st May, 1847.

States that he has forbidden suttee throughout his estate.

Urzee from the jageerdar of Toree Futtehpore, dated 29th May, 1847, in reply to Agent's purwana of the 21st May, 1847.

States that he had great pleasure in proclaiming the abolition of suttee in his Jageer.

Hindee chittee from the jageerdar of Gorehar, dated 5th June, 1847, in reply to Agent's purwana of the 21st May, 1847.

States that he had the greatest satisfaction in complying with the wishes of the Governor General for forbidding suttee in his jageer.

By Order of the Honorable the Lieutenant Governor, North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

No. 15.

FOREIGN DEPARTMENT.

The 4th August, 1847.

NOTE.

As required by the Hon'ble the Court of Directors, in letters No. 38, dated 30th October, 1844, and No. 16, dated 28th May, 1846, on the origin of the international Court of Wukeels of Rajpootana, "of the system, and of its success, for circulation among Political officers."

Ajmere, 23rd *October*, 1846.

There are Wukeels from most of the eighteen States accredited to the Agent Governor General at Ajmere, or at all events one from each of the principal States.

Much of the time of my predecessors was occupied in the endeavour to afford compensation to merchants and travellers, for loss of property through plunder, or to the inhabitants of one State for robberies by the inhabitants of another State. On assuming charge of the office in 1839, I found impossible to do justice in these cases from the absence of defendants or evidence, either documentary or oral, and adopted the plan of referring a case for adjustment to the Wukeel of the State whose subjects were complained against. I very soon found that little justice was done through this process, for the Wukeel feared to compromise himself with his own Government by passing a decree against it.

The Wukeels of the plaintiff and defendant States were then desired to meet and settle cases of a criminal character, and when this did not succeed, a third Wukeel was added as Umpire. The next step was to obtain through all the Wukeels, authority from the several States to summon defendants and witnesses from their territories; and then a punchayet was formed consisting of five of the Wukeels of States for the settlement of international questions of a criminal character. I had sufficient acquaintance with the working of the Court in Cattywar, where appraisers were summoned to assist the Agent in the decision of criminal cases, to take my clue to some extent from that system.

2nd. I cannot now do better than enter extracts from the letters of the Hon'ble the Court of Directors on this subject.

Paragraph 4, No. 38, dated 30th October, 1844.

"We have read with particular satisfaction Leutenant Colonel Sutherland's account of the benefit already derived from the new Courts established for the trial of international offenders, and which appear to have been also employed to adjudicate the international claims arising from offences.

* Letter, dated 14th January, 1843.

"'Five of the Wukeels*' says that officer, 'from the principal States who may be replaced by others as occasion may require, were formed into a punchayet at Ajmere. A place of assembly, a Government building, was assigned to them, and authority was given to them to assemble defendants and witnesses from their respective territories or from the territories of any other States, in all cases submitted for their arbitration. They were told that the Agent to the Governor General would take his place in the punchayet, whenever they might require him to do so, and that when parties refused or omitted to attend, they should pass their decree on an *ex parte* hearing of the question, submit their proceedings to the Agent to the Governor General when he did not form a member of the Court, and that he would enforce their decree when it met with his approval. This system has been in operation for many months and with admirable results. Decrees have been passed on most of the old plunder claims, and those decrees have been enforced; whilst it appears to me there have been many fewer cases of plunder since this Court has been in operation: both states and plunderers finding that there is a national tribunal to which all can appeal, and from whose decree there is no escape. In cases where those who have suffered from loss of property, through plunder, have been kept long waiting before indemnification for the amounts fixed on a State by the punchayet could be recovered, I have paid the money from our own treasury to the sufferers, and afterwards levied it from the State against which the decree had been passed.

" 'The working of this punchayet of the representatives of Foreign States with our Government is yet in its infancy. But from it, I think that the happiest results towards the improvement of the police of the country, and the general protection of person and property, may hereafter be expected: that it will in short become one of the chief instruments of good rule in Rajpootana. Similar Courts are also in operation at the subordinate agencies, where the Agents have the Wukeels of several Courts in attendance on them.

" 'I should also mention that our own district of Ajmere has been brought under the same responsibility to this Court, in international questions, as the other states of Rajpootana, and that when our subjects are either plaintiff or defendant, the Superintendent or his Assistant takes his seat in the Court, as the representative of our interests, so that even-handed justice may be dealt out to all parties in the country.'

" 5. When the Courts shall have existed for a sufficient period to render the experiments decisive, an account of their mode of operation should be drawn up and circulated among Political officers throughout India. There are few of those officers within the sphere of whose duties similar exigencies do not arise, and they ought to have full knowledge of the expedients by which those exigencies have in any important case been successfully provided for.

"7. The high opinion expressed by Lieutenant Colonel Sutherland, after four years' experience, of the fidelity, good faith, and honest dealing of the Rajpoots generally, contrasts forcibly with the impression which would probably have been received by our local officers, if their own policy during the same period had been less scrupulously just, or less studiously conciliatory."

Despatch from the Hon'ble the Court of Directors, No. 16, *dated* 28*th May*, 1846.

Para. 43. " The report from Major Thoresby confirms the previous testimony of Lieutenant Colonel Sutherland, respecting the benefits derived from this institution. You have directed his attention to our suggestion for preparing an account of the system and of its success for circulation among Political officers, and we desire that the point be not lost sight of."

3 and 8 of 6th January, No 4, 1846. Report from Major Thoresby, on the working of the punchayet Court for the adjustment of cases of international disputes under the Rajpootana Agency.

3rd. The following is Major Thoresby's report, dated 21st May, 1845:

" I have the honor to reply to your letter, No. 221, dated the 25th January last, transmitting for information, extract from Paras. 3 to 7, from a despatch of the Hon'ble the Court of Directors, No. 38 of the 30th Oct. last, on the subjects of the operation of the punchayet, composed of Wukeels from the States of Rajpootana, which sits at Ajmere; and requesting that, with reference to Para. 5, it should be stated whether a report upon the working of the system would be most desirable now, or at some future period.

" 2nd. The convenience and facility afforded by the existence of the Court in question for the adjustment of international disputed cases of various kinds, but chiefly those of theft and robbery, and the *khoj* or tract connected with them; of breaches of the peace, and such claims and counter-claims as frequently grow out of marriage

promises and betrothals, render the institution a valuable aid which is substantially useful, and resorted to on numerous occasions.

"3rd. When an enquiry is closed, and the award given, in the sequel to the summary of proceedings and the inferences drawn therefrom, the misl or record file is forwarded to the Agent Governor General, who, after such inspection as may appear to be requisite, transmits a copy of the roobakarce or summary and award to each of the States interested in the particular case; at the same time calling for remittances, where due, to satisfy the judgment of the Court.

"4th. In October last, Captain Morrieson, Assistant Agent Governor General, presided at the adjudication of several cases, in the decisions of which the district of Ajmere was concerned; and at present Mr. Brandreth, Assistant to the Superintendent, is the Officer considered to be available for such duty. There are two or three cases of some importance and difficulty pending, which respect foreign States and their subjects, that will be brought forward when ready for hearing in a Court at which the officiating Agent Governor General will himself preside, as requested by the Members.

"5th. Excepting for the trial of Thugs and Dacoits, under the Superintendence of Captain Morrieson, the Court of Wukeels has not as yet been occupied in the investigation of charges brought against international offenders, for no cases of this kind have presented themselves for reference to its tribunal.

"6th. The other places at which Punchayets, or Courts of this description have been held, are the Head Quarters of the Meywar Agency and the Mullanee Superintendency; and with respect to these, in all trials for criminal offences, where punishment is to be awarded to the arraigned on conviction, Lieutenant Colonel Robinson and Captain Jackson preside in their several Courts at Neemuch and Balmer, or elsewhere, in their respective jurisdictions, also the record of proceedings or an abstract of them in all important cases is transmitted to the Agent Governor General's office; and prisoners found guilty of highway robbery, &c., by the Court at Neemuch, and sentenced to imprisonment, are usually committed to the Ajmere jail, to undergo their sentence, warrants being issued to the Superintendent of Ajmere, by the Agent to the Governor General, for carrying it into effect, in every individual instance.

"7th. I am not aware that there is any thing further to communicate regarding this question at present; but as cases of general interest, or of more than usual importance, occur, they shall be submitted at the time, for the information or for the instructions of Government: and I shall here conclude with the remark that the Punchayet at Ajmere may, in respect of the cases which are generally referred to it from this office, be designated a Court of Appeal, for the arbitration in the last resort of such matters as cannot be brought to any satisfactory adjustment by the authorities of the respective jurisdictions amongst themselves."

4. After having given an account of the origin of the Court, and the above extracts shewing the manner in which the institution has fulfilled the duty anticipated from it, little remains to be said.

5. When a person presents himself with a petition at the Agency, whether he be a British subject, or the subject of any one State petitioning against another State.

or its subjects, a copy of his petition, with any documentary evidence there may be on record relating to the case, is sent to the Court of Wukeels, with a note requiring them to investigate the matter, record their decree, and send it to the Agent Governor General when he may not be a Member of the Court; or in ordinary cases of a criminal character, the petitioner proceeds at once to the Court, which enters on the investigation, and sends its decree to the Agent Governor General. The amount awarded is frequently, however, paid by the Wukeel of the defendant State in presence of the Court, and within the last few days the Ulwur Wukeel brought to one of my weekly durbars a bag of 600 rupees, the award of the Court, and delivered it to the plaintiff, with which he declared himself satisfied, and went away rejoicing.

6. The Wukeels of the plaintiff and defendant State are always members of the Court to watch over the interests of their States, but do not always vote. In the first year of the institution of the Court, the Jyepore Wukeel, Captain Peer Khan, declined to vote in a case in which that State was either plaintiff or defendant, observing that he was there to advocate the interests of the State, or its subjects, and that his vote would turn the scales of justice either in favor of, or against the cause which he was advocating.

7. During the first period of the operations of the Court, civil as well as criminal cases of an international character were entertained; but latterly, and before my departure from Rajpootana in the end of 1843, I discouraged civil suitors, whether their suits related to breach of promise of marriage, or other contracts, and I have continued this system since my return, with good rather than evil consequences, I think; for it has rendered people more circumspect in their dealings with one another, and led to their taking in foreign territory sufficient surety among themselves for the fulfilment of contracts.

8. The Court may be considered a Sitting Court, having its Head Quarters at Ajmere, where plaintiffs naturally resort, and to which defendants and witnesses are summoned: where there are a sufficient number of qualified Assistants, it might of course continue its sittings in the absence of the Agent Governor General. But as this is not the case, and as there is now only one Assistant, the proceedings of the Court are frequently interrupted to the great detriment of the public interests.

9. From the period of Major Thoresby's departure from Ajmere until my arrival, about six months, thirty or forty cases had accumulated, two of them between Joudpore and Ajmere, in one of which Ajmere was plaintiff, in the other defendant: and for the investigation of these the Agent Governor General was summoned to the Court. The Maharajah of Joudpore had requested, through the Political Agent, Mr. Greathed, that one of these cases should be referred to the decision of the international Court. In the case in which Ajmere was plaintiff the matter was decided against the district, the other in its favor. It is only, apparently, in cases in which British interests are involved that the Court summons the Agent Governor General or his Assistant; for in cases between States or their subjects, they decide without reference to his authority.

10. On the first formation of the Court, the five Wukeels were named Members by the Agent Governor General, but latterly they relieve one another at their option.

As there are plenty of Wukeels, a Court is formed in camp, and with great advantage in the States through which the Agent Governor General may be travelling. But it is very desirable that there should always be a Sitting Court at Ajmere, which has become a centre, from which the blessing of good Government, justice, and instruction will, in process of time, it may be hoped, radiate to all the States of Rajpootana. Since the first formation of the Courts from four to five hundred international cases have been decided by it.

I have in this note entered on the subject at much greater length than I had intended; but I trust that it will be found to contain all the information required by the Hon'ble the Court of Directors, for circulation.

Rajpootana Agency, Ajmere, the 23rd October, 1846.

(Signed) J. SUTHERLAND,

Agent Governor General.

(True Copy)

A. SHAKESPEAR,

Asst. Secy. to the Govt., N. W. P.

NOTIFICATIONS.

No. 17.

FOREIGN DEPARTMENT.

Dated Head Quarters, the 14th August, 1847.

The following replies from the Rajahs of Oorcha and Sumpther, on the subject of the abolition of Suttees, are published for general information, in continuation of notification from this department dated 9th instant.

Khareetah from the Oorcha Rajah, dated 12th July, 1847, *in reply to Agent at Bundelkhund's letter, dated 21st May,* 1847.

States that:—It is the earnest wish of the Supreme Government to protect the people of India from suffering, and with this view it has put a stop to many evil practices which had for ages prevailed over the country, and when powerful rulers are actuated by such benevolent designs those under their sway are commonly found anxious to co-operate in promoting them.

The practice of Suttee, by which innocent persons are burnt alive, is no doubt to all appearances very atrocious and cruel, and its prohibition proper, and in consequence and from a desire to meet the wishes of the British Government in this, as in all other things, I have issued strict orders to landholders of all descriptions and all public servants to prevent this practice, and taken engagements from all, binding themselves

not in future to allow a Suttee to take place. No subject of this State will in future be suffered to become a Suttee, much less will the subject of any other State be allowed to become so within mine.

Should a Suttee take place, those whose duty it was to have prevented it will be severely punished.

But a usage that has prevailed for so many ages cannot be utterly put a stop to at once, and cases may take place in spite of all precautions; but all possible precautions will be taken.

You say that Suttee had never been prohibited in any territory by any positive orders. This is true, but when any female manifested a wish to become a Suttee every effort was made to dissuade her from it, and she was promised protection and support by her family and by Government; but the weakness of female understanding is well known, and all such arguments often failed, and when force was used to prevent their burning they sometimes took poison, threw themselves into wells, or killed themselves with the first weapons they could get hold of, invoking the punishment of such suicide upon the heads of those who had prevented their burning themselves as they wished. Hindoos have a great dread of such invocations from people dying under sufferings which they attribute to them, and this often deters from using force in the prevention of Suttees when they would wish to do so.

According to the Shasters, it is no doubt very meritorious for a widow to die of grief for the death of her husband, but not one to lay violent hands on herself, or throw herself into the fire and get burnt alive.

Khareetah from the Rajah of Sumpther, dated the 1st July, 1847, in reply to the Agent's letter of the 21st May, 1847.

States that:—The practice of Suttee is so very old and has been countenanced and encouraged by the wise men of so many generations that I have never thought myself justified in interposing to prevent it; but my anxiety to meet the wishes of the Right Hon'ble the Governor General in this, as in all other things, is so great that I have waived all other considerations, and issued a proclamation to all landholders and Public Officers within my Estate to take care that no Suttee take place, and with their vigilance and the blessing of God I hope that Suttee will not again be heard of within my territory.

By Order of the Honorable the Lieutenant Governor of the North Western Provinces.

A. SHAKESPEAR,

Assist. Secy. to the Govt., N. W. P.

NOTIFICATION.

GENERAL DEPARTMENT.

The 26th August, 1847.

At the instance of the Right Revd. the Lord Bishop, the Hon'ble the Lieutenant Governor has been pleased to modify the resolution published on the 1st July, 1846, wherein it was declared that Chaplains would be appointed to Subathoo, Kussowlee and Landour in the same manner as to Stations in the Plains.

The appointment of Chaplains at the above Stations, as well as at others in the Hills, will be held in such manner and for such periods as may seem fit to Government, upon recommendation by the Ecclesiastical Authorities.

NOTIFICATION.

No. 3428.

JUDICIAL DEPARTMENT.

Head Quarters, the 3rd September, 1847.

The annexed abstracts of Receipts and Disbursements on account of Local Funds at the several Hill Stations in the North Western Provinces, are published for general information.

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Receipts.	1840-41.			1841-42.			1842-43.			1843-44.			1844-45.		
Balance of former years,..	1922	2	5	1109	3	4¼	507	10	7¾	2983	12	11¾	6085	5	11¼
Government donations, ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subscriptions local,.....	102	2	6¼	1525	0	0	5	2	0	100	0	0	0	0	0
Assessment on houses,* ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ground tax,.....	3729	10	8	4346	6	1½	4828	0	3	5163	5	9½	2896	1	9
Abkaree and drugs,.....	2076	4	0	1595	13	4	1779	9	4	2083	12	0	2466	10	8
Forest produce, ...	448	14	9	202	9	10	102	0	0	176	1	0	403	8	0
Fees, fines and forfeitures,	23	0	3	146	5	9	34	5	9	103	8	6	0	0	0
Refunded charges, ...	5	0	0	0	0	0	0	0	0	0	0	0	21	0	0
Sale of sites, &c., ...	131	2	0	136	11	0	1520	0	0	375	0	0	0	0	0
Miscellaneous, ...	15	6	0	60	0	0	0	0	0	32	0	0	14	6	0
Balance against the fund,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Co's Rs. ...	8453	10	7¼	9122	1	4¾	8776	11	11¾	11017	8	3¼	11887	0	4¼

* The provisions of Act X. 1842, have not

Accountant's Office, North Western Provinces,
Agra, the 4th August, 1847,

NYNEE TALL

Receipts.	1845-46.		
Balance of former years,	0	0	0
Government donation,...	0	0	0
Subscriptions local, ...	771	0	0
Assessment on houses,...	600	0	0
Ground tax, ..	742	4	0
Abkaree and drugs, ...	40	4	0
Forest produce, ...	0	0	0
Fees, fines and forfeitures,	58	12	0
Refunded charges, ...	0	0	0
Sale of sites, &c., ...	1865	12	0
Miscellaneous, ...	40	2	0
Balance against the fund,	0	0	0
Total Company's Rupees,...	4118	2	0

Accountant's Office, North Western Provinces,
Agra, the 4th August, 1847.

FUND.

Disbursements.	1840-41.			1841-42.			1842-43.			1843-44.			1844-45.		
Roads and bridges, (construction of) ...	237	5	4	573	13	0	1016	15	6	457	11	8	1829	5	0
Roads, (repairing, widening, levelling and cleaning of),	1461	8	5	979	5	0	1193	4	0	1214	7	11	1972	3	3
Establishment including house rent,	658	6	0	596	3	5	556	5	4	497	4	6	725	5	8
Public buildings, (construction of), ...	3363	7	3	3320	10	5	0	0	0	0	0	0	546	12	8
Public buildings (repairs of) ..	25	2	6	164	7	6	166	6	9	377	7	0	125	11	3
Reservoirs for water, Tanks, and Bunds, (construction of),	0	0	0	0	0	0	23	6	3	161	15	6	0	0	0
Reservoirs for water, (repairs of), ...	35	13	3	115	2	6	0	0	0	0	0	0	205	0	0
Police establishment, ..	1494	11	0	1935	13	7	1959	0	0	2091	4	0	2136	12	0
Contingencies, ...	58	1	6	107	9	1½	168	3	11½	111	15	9	88	4	0
Salary of Native Doctor, Dresser, Sweeper, &c., ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Purchase of house and ground rent, ...	0	0	0	708	8	10½	668	15	10½	20	0	0	0	0	0
Compensation, ...	0	0	0	100	0	0	18	0	0	0	0	0	0	0	0
Local subscriptions, ..	0	0	0	0	0	0	0	0	0	0	0	0	300	0	0
Assessment and ground tax refunded,	10	0	0	12	13	4	22	5	4	0	0	0	0	0	0
Balance in favor of the fund, .	1109	3	4¼	507	10	7¾	2983	12	11¾	6085	5	11¼	3957	10	6¼
Total Co's Rs, .	8153	10	7¼	9124	1	4¾	8776	11	11¾	11017	8	3¼	1188	70	4¼

been introduced into this Settlement.

C. GRANT,
Accountant, North Western Provinces.

FUND

Disbursements.	1845-46.		
Roads and bridges, (construction of), ...	1852	7	11
Roads, (repairing, widening, levelling and cleaning of), ...	1078	5	10
Establishment including house rent, ...	604	14	3
Public buildings, (construction of), ...	0	0	0
Public buildings, (repairs of), ...	0	0	0
Reservoirs for water, Tanks, and Bunds, (construction of), ...	0	0	0
Reservoirs for water, (repairs of), ...	0	0	0
Police establishment, ...	0	0	0
Contingencies, ...	275	15	0
Salary of Native Doctor, Dresser, Sweeper, &c., ...	183	10	0
Purchase of houses, &c., ...	0	0	0
Compensation, ...	0	0	0
Local subscriptions, ...	0	0	0
Assessment and ground rent refunded, ...	0	0	0
Balance in favor of the fund,.....	122	13	0
Total Company's Rupees,...	4118	2	0

(Signed) C. GRANT,
Accountant, North Western Provinces.

KUSSOWLEE

Receipts.	1840-41.			1841-42.		
Balance of former years,	0	0	0	6	5	9
Government donation,	1600	0	0	0	0	0
Subscriptions local,	0	0	0	0	0	0
Assessment on houses,	0	0	0	0	0	0
Ground tax, ...	0	0	0	936	6	3
Abkaree and drugs,	0	0	0	0	0	0
Forest produce,	936	2	0	94	14	8
Fees, fines and forfeitures,	0	0	0	16	14	0
Refunded charges,	0	0	0	0	0	0
Sale of sites, &c.,	2109	4	0	369	15	4
Miscellaneous,	0	0	0	0	0	0
Balance against the fund,	0	0	0	0	0	0
Total Company's Rupees,..	4645	6	0	1424	8	0

N, B.—This Station has now become a Military

Accountant's Office, N. W. Provinces,
Agra, the 4th August, 1847.

MUSSOORIE

Receipts.	1843-44.			1844-45.		
Balance of former years,	0	0	0	1468	11	6
Government donation,	2000	0	0	2000	0	0
Subscription local,	0	0	0	0	0	0
Assessment on houses,	3371	1	9	2888	0	0
Ground tax,	0	0	0	0	0	0
Abkaree and drugs,*	0	0	0	0	0	0
Forest produce,	0	0	0	0	0	0
Fees, fines and forfeitures,	0	0	0	0	0	0
Refunded charges,	0	0	0	0	0	0
Sale of sites, &c.,	0	0	0	0	9	0
Miscellaneous,	0	0	0	26	6	3
Balance against the fund,	0	0	0	0	0	0
Total Company's Rupees, ..	5371	1	9	6383	1	9

* The sale of spirituous liquors is prohibited at this Settlement on account

Accountant's Office N. W. Provinces.
Agra, the 4th August, 1847.

By Order of the Honorable the Lieutenant

FUND.

Disbursements.	1840-41.			1841-42.		
Roads and bridges, (construction of), ...	1006	1	1	1043	14	0
Roads, (repairing, widening, levelling and cleaning of), ..	778	13	3	0	0	0
Establishment including house rent, ...	202	8	4	213	11	0
Public buildings, (construction of), ...	26	2	8	0	0	0
Public buildings, (repairs, of)	0	0	0	0	0	0
Reservoirs for water, Tanks, and Bunds, (construction of), ...	2411	15	2	44	12	3
Reservoirs for water, (repairs of), ...	0	0	0	0	0	0
Police establishment, ...	0	0	0	0	0	0
Contingencies, ...	213	7	9	114	3	4½
Salary of Native Doctor, Dresser, Sweeper, &c., ...	0	0	0	0	0	0
Purchase of houses, &c., ...	0	0	0	0	0	0
Compensation, ...	0	0	0	0	0	0
Local subscriptions, ...	0	0	0	0	0	0
Assessment and ground tax refunded, ...	0	0	0	0	0	0
Balance in favor of the fund, ...	6	5	9	7	15	4½
Total Company's Rupees, ...	4645	6	0	1424	8	0

Cantonment, and there are no Local funds

C. GRANT,
Accountant, North Western Provinces.

FUND.

Disbursements.	1843-44.			1844-45.		
Roads and bridges, (construction of), ...	3508	0	9	5096	12	11
Roads, (repairing, widening, levelling and cleaning of),... ...	0	0	0	0	0	0
Establishment, including house rent, ...	374	5	6	781	14	3
Public buildings, (construction of), ...	0	0	0	0	0	0
Public buildings, (repairs of), ...	0	0	0	0	0	0
Reservoirs for water, Tanks, and Bunds, (construction of), ...	0	0	0	0	0	0
Reservoirs for water, (repairs of), ...	0	0	0	0	0	0
Police establishment, ...	0	0	0	0	0	0
Contingencies, ...	20	0	0	231	12	6
Salary of Native Doctor, Dresser, Sweeper, &c, ...	0	0	0	0	0	0
Purchase of houses, &c, ...	0	0	0	0	0	0
Compensation, ...	0	0	0	0	0	0
Local subscriptions, ...	0	0	0	0	0	0
Assessment and ground rent refunded, ...	0	0	0	0	1	0
Balance in favor of the fund, ...	1468	11	6	272	10	1
Total Company's Rupees, ...	5371	1	9	6383	1	9

of the neighbourhood of the Invalid Depot at Landour.

C. GRANT,
Accountant, North Western Provinces.

Governor North Western Provinces.

ST. G. TUCKER,
Off. Asst. Secy. to Govt., North Western Provinces.

RESOLUTION.

No. 1705.

FINANCIAL DEPARTMENT.

Head Quarters, the 9th September, 1847.

The attention of the Honorable the Lieutenant Governor has been drawn to the delay which at present occurs in the commencement of Public Works on account of the circuitous route by which intimation of the sanction of Government to the Estimates for such works reaches the Officers whose duty it is to construct them. With the view of avoiding this delay in future, His Honor has been pleased to resolve that on all occasions, on which sanction may be given to Estimates of the above nature, a copy of the Endorsement on the Estimate bearing the signature of the Secretary to Government, shall be furnished direct from the Secretary's office to the Executive Officer in whose province the construction of the work estimated for may lie. The receipt of this copy will be sufficient authority for the commencement of the work and for drawing the Assignment.

Ordered, that copies of this Resolution be sent to Military Board, to Accountant and to the Superintending Engineers in the North Western Provinces, and that the Resolution be published in the Gazette.

* Judicial. Revenue. Foreign. General. } Ordered also, that copies of the Resolution and of the Endorsement be sent to the Departments noted in the margin.*

By Order of the Hon'ble the Lieutenant Governor of the North Western Provinces.

J. THORNTON,

Secy. to the Govt. N. W. P.

FORM OF ENDORSEMENT.

Estimate ——— by ——— Executive Engineer of the ——— Division of the probable expense of ——————————— amounting to Company Rupees ——— to be drawn from the ——— Treasury ———

Sanctioned by the Hon'ble the Lieutenant Governor, North Western Provinces.

A. B.

Secy. to Govt. N. W. P.

NOTIFICATION.

SEPARATE, REVENUE DEPARTMENT.

The 12*th October*, 1847.

With the sanction of the Right Honorable the Governor General, the Lieutenant Governor is pleased to notify for general information that no change will take place in the Customs Duty at present levied on Salt on the North West Frontier line, or on the Special Duty line till after the 1st April, 1849, and moreover that no change will take place in the duty levied on Salt on the North West Frontier line after the above date without six months' previous notice.

The 13*th October*, 1847.

RESOLUTION.

No. 4307.

JUDICIAL DEPARTMENT.

The 6*th November*, 1847.

The Lieutenant Governor has reason to believe that the Orders of Government to the several Commissioners of Circuit, dated the 27th September, 1831, on the subject of leasing Ferries, as quoted in the margin,* have lately been overlooked, and therefore considers it desirable that the attention of Magistrates should again be drawn to them. At the same time His Honor conceives that cases may arise in which it will be advantageous to relax the restrictions contained in those orders against the leasing of more than one Ferry to one person, or the granting leases for a longer period than one year. His Honor is therefore pleased to resolve, that whenever a Magistrate may be desirous of obtaining exemption in any case from the restrictions above noticed, he shall make a special report on the subject to Government through the Commissioner of the Division, and be guided by the orders which he may receive.

* "PARA. 5. It is on general grounds incompatible with the strict control, which it is the primary object of the Regulation to establish on the part of the Magistrates over the Ferries, that engagements should be made with an individual for more than one Ferry, or a longer period than one year. You are therefore requested to issue instructions that engagements should be taken from different persons for each Ferry, and in no instance for a longer period than one year."

Ordered, that the above Resolution be published in the Gazette for general information.

By Order of the Honorable the Lieutenant Governor of the North Western Provinces.

J. THORNTON,

Secy. to the Govt., N. W. P.

NOTIFICATION.

No. 949 of 1847.

GENERAL DEPARTMENT.

Head Quarters, the 25th November, 1847.

The Lieutenant Governor directs the publication for general information of the following *Prospectus* of a College for instruction in Civil Engineering which is now established at Roorkhee, and of which Lieutenant R. Maclagan, Engineers, has been appointed Principal.

Prospectus of the Civil Engineering College at Roorkhee.

1st. The College is designed to give Theoretical and Practical instruction in Civil Engineering to Europeans and Natives, with a view to their employment on the Public Works of the Country, according to their several qualifications and the requirements of the Service.

2nd. The Director of the Ganges Canal will be *ex-officio* Visitor of the College.

3rd. There will be three Departments in the College, in each of which will be a certain number of Stipendiary Students, for whom Quarters will be provided.

4th. *First Department.*—Candidates for the appointment of Sub-Assistant Civil Engineer, as constituted by the Orders of Government, dated October 9th, 1845.

5th. Persons admitted into this Department must be under the age of 22. They must have previously acquired an ability to read and write with ease and accuracy in the English language, and a knowledge of Geometry, Algebra, Mensuration, Plane and Spherical Trigonometry, Conic Sections and Mechanics.

6th. The number of Stipendiary Students in this Department is restricted to eight, who will be admitted only with the sanction of the Government.

7th. Scholars from any of the Government Colleges, if properly qualified, may be transferred to this Department, receiving Travelling allowance to Roorkhee at the established rate. They will there receive, besides free Quarters, an increase of one-fourth to their Scholarship allowance, to cover extra expenses, or such increase as will make up their Stipend to the amount of 40 Rupees per mensem. Properly qualified persons not attached to any Government College will receive a monthly allowance of 40 Rupees in addition to free Quarters.

8th. Candidates for these Stipends are desired to submit their applications to the Principal of the Roorkhee College accompanied with Certificates of their proficiency in the above named subjects and of character from some one of the Officers noted in the margin.* The Principal having satisfied himself of their proficiency, in such manner as he may find to be best, will submit his recommendation to the Secretary to Government, North Western Provinces.

* Superintending Engineer and Executive Officers in the Central and North Western Provinces and Punjaub Divisions.
Superintending and Executive Officers of Canals and Roads.
Principals of Agra, Dehlee and Benares Colleges.

9th. *Second Department.*—European Non-commissioned Officers and Soldiers. They will be required previous to their admission to prove by examination, conducted in such manner as the Principal may find best, their proficiency in Reading, Writing and Arithmetic, Elementary Geometry, Mensuration and Simple Plan Drawing. A certificate of character will also be required from the Commanding or Staff Officer of the Regiment, Troop or Company to which they belong.

10th. Their instruction at the College will be regulated with a view to their employment as Overseers in the Department of Public Works, to which they will, when qualified, be transferred to meet the demands of the Service.

11th. Their Travelling charges to Roorkhee will be paid. They will remain at the College on probation for six months, during which time they will receive, besides free Quarters and their Regimental Pay, the same advantages as with their Corps, or an equivalent in money. If approved at the end of this period, they will then receive the pay of an Assistant Overseer, and continue under instruction at the College, or be drafted off for the Public Service as may be found advisable. During the time they remain at Roorkhee, they will be under the command of the Officer who fills the post of Principal of the College.

12th. Their number is not at present to exceed ten.

13th. *Third Department.*—Native youths desirous of instruction in Surveying, Levelling, and Plan Drawing. A fair acquaintance with Arithmetic in the Native form, and an ability to read and write Oordoo in the Persian Character will be the qualifications required for admission to this Department.

14th. The number of Stipendiary Students in this Department will be limited to sixteen, who will receive a monthly allowance of 5 Rupees for maintenance, besides free Quarters.

15th. Properly qualified candidates who are willing to come to Roorkhee and support themselves there at their own cost, will be admitted into all the Departments so far as means may be available for their instruction. Should the number of such applicants be numerous, moderate fees will be hereafter demanded for admission to the benefits of the Institution. Instruction will for the present be gratuitous, and no payments will be demanded without previous notice of one year.

16th. Students who have conducted themselves to the satisfaction of the Principal, will, on leaving the College, be furnished with a certificate of their character and qualifications.

17th. Annual examinations will be held, when all Students attached to the College will be classed according to their proficiency. Prizes of Books, Mathematical Instruments, &c., will be given to the most deserving Students.

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

J. THORNTON,
Secy to the Govt. N. W. P.

NOTIFICATION.

GENERAL DEPARTMENT.

The 29th November, 1847.

The Executive Officers on the Grand Trunk Road, are invested with the entire charge of the Dâwk Bungalows along the whole line, as follows:

The Dâwk Bungalows from the Carumnassa to Allahabad to be under the Executive Officer of the 4th Division, ordinarily resident at Benares.

Those on the Trunk Road from Allahabad to Bhoogaon, and on the Branch Road thence to Agra, to be under the Executive Officer of the 5th Division, ordinarily resident at Cawnpore.

Those on the Trunk Road from Bhoogaon to Dehlie and the Branch Roads from Agra to Allygurh, and from Koorjah to Meerut, to be under the Executive Officer of the 6th Division, ordinarily resident at Allygurh.

Those on the roads from Meerut to Delhie and from those places to Kurnaul to be under the Executive Officer of the 7th Division ordinarily resident at Meerut.

NOTIFICATIONS.

REVENUE DEPARTMENT.

The 6th December, 1847.

The Collector and Deputy Collectors in Zillah Shajehanpore, are invested with the powers described in Section 20, Regulation VII. of 1822.

The Officer in charge of the Medical duties at Shajehanpore, the Joint Magistrate and Deputy Collector, the Deputy Collector under Regulation IX. of 1833, and Major Ludlow, Assistant to the Superintendent for the suppression of Thuggee, are appointed Local Agents, under Section 8, Regulation XIX. of 1810, in the abovenamed District.

J. THORNTON,

Secy. to the Govt., N. W. P.

CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1847.

No. 1840.

To the Civil Judges in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, are pleased to intimate, that so much of Construction No. 541, as declares that the period of 12 months allowed by Section 7, Regulation V. of 1799, corresponding with Clause 7, Section 16, Regulation III. of 1803, for the appearance of claimants to the property of persons dying intestate, shall be calculated from the date of the proprietor's decease, is rescinded, as being at variance with the terms of the law cited. The period in question should be reckoned, not from the date of the proprietor's decease, but from the date, on which publication of the several advertisements, required by the law cited, shall be duly certified.

Agra, the 23rd December, 1846.

No. 106.

To the several Civil Authorities in the North Western Provinces.

As the Decrees of the Lower Courts are not written in a regular and uniform manner, and as much time both of the Court and the Pleaders is wasted, of the former in seeking for the matter stated in them and in the documents filed, and of the latter in preparing the grounds of Regular or Special Appeals, and in examining the nature of the evidence, both oral and documentary, it is therefore ordered, that in future the Decrees of the Lower Courts be prepared according to the following Rules and the annexed Form.

1stly. The paper, on which the decree is to be engrossed, shall have a lateral margin of one inch on either side, and a space of about five or six inches at the top shall be left blank for the purpose of receiving the seal and signature of the deciding or attesting Officer.

2ndly. At the head of decrees, passed in original suits, shall be stated the No. of the case, "*original*," and whether instituted in the trying Court, or referred by a superior Court, or transferred from a Court of co-ordinate jurisdiction, and in each case the designation of such Court, as well as the aggregate value of the claim, shall be specified; immediately after these particulars, will follow the heading of the decree in the following form: "Decree of the Court of —— before —— Judge, or Principal Sudder Ameen, or Sudder Ameen, or Moonsiff of —— passed on the —— of —— 18 — corresponding with the —— of —— 12 —— Fussely, or Hijree, or Bunguleh," according to the æras locally known and current; in the Decrees of those Courts, which have only original jurisdiction, the word "original" may be omitted.

3rdly. Subsequently to the heading, as above, will be exhibited on the one side the names of *all* the Plaintiffs, and *all* the Defendants, and of *all* third parties (Oozardars) if there be any, without the word "et cetera" or "others," and on the other side, opposite to the names of the parties respectively the names of their Pleaders, or, if any of the parties plead personally, the word "in person" (asalutun) shall be entered opposite his name, and his presence or absence shall be certified in the same place by the addition, of "hazir" or "ghair hazir."

4thly. A vacant space being left to the right and left of the paper, the description of the claim, and of the thing claimed, its valuation, and the foundation of the claim will then be entered, with a specification of the order or orders of which the Plaintiff seeks reversal, and of the commencement or close of the period to which the claim relates, in cases calling for such specification, (as claims for interest, wasilat, adjustment of accounts, or rents): if the amount of the claim have been increased or reduced by a Supplementary plaint, the fact shall be here stated in the decree, only of those Courts of course that are entitled to receive Supplementary plaints, and the whole amount of the claim, as thus adjusted, shall be distinctly declared.

5thly. After the above will be stated the attendance or non-attendance of the parties or their Pleaders, correspondingly with the statement given, in the final proceeding, 2ndly, particulars regarding the date, both according to the English Calendar and the æras locally current, on which the suit was instituted, and, if the Plaintiff be a Pauper, the date of his application to be permitted to sue in that capacity, and of his pauperism being admitted, and 3rdly, the date, on which the petition of plaint may have been filed or received in the Office, and 4thly, an Abstract of the grounds of suit. It will not be necessary to notice the several steps taken to prepare the case for adjudication, or to state the order in which the several papers were filed,* except in particular cases, as for instance when the suit may have been referred by a higher or transferred from a tribunal of equal degree, or when it may relate to property situate, in different jurisdictions, though based on the same cause of action, (in which case the acquisition of the Sudder Court's authority for its hearing and decision in that particular Court, agreeably to Circular Order No. 29, dated 11th January 1839, must be mentioned), or when Government may be one of the Defendants to the action, in which case the assent of the Commissioner to the formal institution and trial of the suit under Regulation II. of 1826 must be stated:—in this place, should the circumstances of the case be such as to require it, the death of any of the parties to the action, and the substitution of his heir, and particulars preliminary to the adjudication of the suit *ex parte*, in the event of the Plaintiff's claim being decreed either in whole or

* NOTE—This object is attained by Circular Order, No. 38, dated 16th December, 1843, (W. P.) and L. P., No. 79, dated 3rd February, 1845.

in part, as well as the reason of any Witnesses, not having been summoned, or, if summoned, of their evidence not having been recorded, should be entered.

6thly. The *substance* of the petition of plaint is then to be given, all redundancies both of language and matter being carefully eschewed, and will include a specification of the date, on which the cause of action according to the Plaintiff's statement arose, as well as Genealogical Tables, if filed, the names of the Defendants at length, with the parentage of those, who may have the same name, (if that be ascertainable from the plaint or the proceedings in the case,) and the place of residence, of all the reasons, given by the Plaintiff for including among the Defendants any person out of possession of the property sued for, and the pleas, urged by him for admission of the suit notwithstanding the expiry of the period, allowed by the Statute of limitations for the cognizance of Civil actions. After this, the substance of the Supplementary plaint, if any have been entered with the date of its presentation will be stated with the same regard to conciseness, (notwithstanding that it do not follow next in order according to date of presentation), and the property claimed will be here specified; then will follow an abstract of the answer, and the Supplemental answer, (with date of presentation as in the case of a Supplemental plaint) including only those parts which do actually reply to the subject matter of the plaint: the substance of the replication, if it contain any matter, touching on the statements of the Defendant's answer, and similarly of the rejoinder, with dates of their presentation respectively, will be next entered, and last of all, the abstract of the petitions and objections of third parties will be stated. If no rejoinder be filed, the fact should be mentioned.

7thly. Next in order will be inserted a brief Abstract of the proceeding prescribed by Section 10, Regulation XXVI. of 1814, in the decrees only of those Courts of course, to which that enactment applies (vide Construction, No. 1226 and Circular Order No. 163, dated 20th August 1841).

8thly. A list of the documents filed and the names of the witnesses, called on the Plaintiff's part, with the titles and numbers of the several papers in order of presentation and specification of the matter, which they were respectively intended by the Plaintiff to prove, will here be entered, and the substance of any document, which may be declared by the Plaintiff to be the foundation of his claim, or to be adminicular to its proof, should be given, provided, that the purport and the terms of the said document be contested. In like manner the documents presented, and the witnesses subpœna'd on the part of the Defendant should be particularized, and any orders, rejecting applications of the parties for the admission of proofs offered, or fining Pleaders for filing documents on unstampt paper or paper of insufficient value, or returning documents to be stamped under Circular Order No. 179, dated 31st January 1842, or relating to the admission of Review of judgment (if that have occurred) with their respective dates should be mentioned, and, if the decision of the case turn on the report of an Ameen, its substance and the fact of his having been sworn to the faithful discharge of his duty (an observance, which is essential* to the reception of his report as evidence) should be stated with its date; next in order will appear a copy of the Fatwa or Bywustha, or the award of arbitrators, or the Soolehnamah of the parties, if the case have been determined with special reference to such papers, and, subject to the same condition, the enquiries made from parties or their Pleaders, and the answers received, together with the date of the proceeding in

* Vide Section 18, Reg. III. of 1803.

which they are recorded, will be entered. Here will be recorded the reasons, given by the deciding Officer in the precise terms, in which the judgment drawn up agreeably to Act XII. of 1843, may be expressed, and the Court would take the opportunity of warning the Judicial Functionaries to specify distinctly the grounds of their judgment and the evidence, oral or documentary, on which it is based, and to state, in their "*order*" the thing decreed, whenever the decree may not exactly correspond with the claim preferred, specifying the articles or portions of property or other thing claimed, which may have been exempted, from the judicial award, made in favor of the Plaintiff.

9thly. Immediately under the "*order*" will be entered an account, showing the exact sum, principal and interest, to which the Plaintiff may have been declared entitled up to the date of Decree, and subsequently to this account will be inserted the costs of the parties, payable either at the time or thereafter in the event of appeal being preferred, by the losing party.

10thly. The Civil Authorities will be careful to insert the title of each paper, viz. Plaint, Answer, Oral interrogatory, or other matter in the margin of the Decree opposite that part in which the subject matter of each paper, &c., may be recorded, and at the beginning of the subject matter in question will draw a line (Hindice "*mud*") so that when any particular matter be sought for, it may be quickly found.

11thly. In the decrees of the Appellate Courts, instead of the word "original" will appear "Appeal regular" or "Special appeal" with the No. of the same, and the amount both of the original claim, and the claim in appeal, and the parties will be distinguished as Plaintiffs, Appellants, Defendants, Respondents, or *vice versâ* as the case may be: next, the description of the claim, its amount or valuation, and its foundation, the attendance or non-attendance of the parties and their Vakeels will be SHORTLY adverted to, as directed above for the decrees of Courts of first instance, and after this will come an Abstract of the judgment or judgments passed by the Lower Courts, and the substance of the reasons for appeal, and of the answer, with the dates, on which they were filed respectively; with regard to any other papers, that may be presented, the rules already laid down for observance in the Courts of original jurisdiction will be followed, but it will be unnecessary to give an abstract of any other part of the record of the lower Court, than the judgment of the deciding Officer.

12thly. When the original Decree shall have been prepared according to the above rules, the date of its being completed and ready for transcription, the date of notice thereof being given to the parties, or their representatives, the date of first delivery of stampt paper, whether in whole or in part, for a copy of the Decree, the date of delivery of additional sheets after the preparation of the Decree, and notice given to the parties or their representatives, with the number of sheets, and the date of copy being ready, and of its being tendered or delivered to the parties or their representatives, shall be entered on the back of the Decree not only *in figures* but *in words at length*, and not only on the Copies delivered to the parties, but on the original Decree, which is intended to be kept with the record of the case.

13thly. It is only necessary to add, that whenever a date which may affect the decision of the case, may be mentioned either in the Heading, or in the body of the Decree, the date corresponding thereto, which may be locally current, shall be *invariably* stated, and that the names of parties, as well as Villages, and Pergunnahs, wherever

occurring, shall be written in clear legible characters, each letter being correctly punctuated.

14thly. An abstract or recapitulation of the above instructions is published in the Vernacular language for the guidance of the Decree writers, attached to the several Courts.

Agra, the 12th February, 1847.

No. 189 OF 1847.

To the Civil Authorities in the North Western Provinces.

With reference to the operation of Section 5, Act VI. of 1843 in diminishing the pecuniary responsibility of the Principal Sudder Ameen's Nazirs, and to the opinion expressed by a majority of the Zillah Judges in reply to the Court's Circular letter, No. 817, dated 3rd June last, the Court of Sudder Dewanny Adawlut for the North Western Provinces are pleased to determine, in modification of Circular Order No. 202, dated 27th May 1842, that the security to be demanded from the Nazirs of the Principal Sudder Ameens, the Sudder Ameens and Moonsiffs shall be fixed at rupees 3,000, rupees 1,000 and rupees 500, respectively.

2nd. This Resolution is intended to have retrospective, as well as prospective effect.

Agra, the 10th February 1847.

No. 1865.

To the Civil Judges in the North Western Provinces.

In continuation of Circular No. 945, dated the 15th May last, the Court are pleased to prescribe the following Form of notice to Respondents in appeal to the Privy Council for use under Act XXIII. 1840.

Agra, the 26th December, 1846.

Notice to Respondents in appeal to the Privy Council.

In the Court of Dewanny Adawlut for the Zillah ——————————

——————————of ——————————
Pergunnah————Zillah—————————— } APPELLANT,

versus

—————————————————————— RESPONDENT.

To

——————————— and so forth.

Whereas ——————— has presented a Petition of appeal to the Queen in Council praying for the reversal of the Decree of the Sudder Dewanny Adawlut, dated ——————— awarding to you possession of Talook ——————— in Zillah ——————— and whereas the said ——————— has furnished the required security and conformed to all the requisitions preliminary to the transfer of the record of the suit to England, notice is hereby given to you of the same, and further that the appeal will be considered and held to be abandoned and withdrawn by consent of the parties thereto, unless some proceedings shall be taken in England, the same, by one or more of the parties thereto within two years after registration at the Council Office of the arrival of the transcript or copy of the record, and you are hereby required to acknowledge the receipt of this Notice.

Given under my hand and seal of the Court this ———————————

A. B.
Judge.

No. 281 OF 1847.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court are pleased to direct that the separate paper containing the charges in the English and Vernacular, prescribed by paragraph 16, of the Circular Order of the Nizamut Adawlut, No. 54, dated 16th July 1830, be drawn up and signed by the Judge who may make a commitment for Perjury or Forgery brought to light in the course of any Civil proceeding.

Agra, the 12th March, 1847.

No. 335 OF 1847.

To the Civil Authorities in the North Western Provinces.

The Court notify that Circular Order* Sudder Dewanny Adawlut No. 84 dated 20th March 1840, having been virtually superseded by the 10th clause of the Rules, dated 24th July, and published in the Agra Government Gaxette of the 1st September last, is hereby rescinded. All Judicial Officers, who may be hereafter removed from one District to another, will be required to conform to the rule above referred to, and are hereby directed to take notice accordingly.

* Establishing a fixed rate of travelling for Native Judicial Officers, removed from one district to another.

Agra, the 26th March, 1847.

No. 390 of 1847.

To the Civil Judges in the North Western Provinces.

The Court have had frequent applications from Moonsiffs for leave of absence on private affairs, compliance with which is attended with great interruption to public

business, as it is seldom possible to make arrangements for carrying on the Duties of Officers absent for short periods. They deem it necessary, therefore, to declare their expectation that Moonsiffs, who may require temporary Leave of Absence from their Stations for any private purpose, will avail themselves of the periods of the authorized Vacations, including the minor Holidays, when the adjournments of the Civil Courts admit of their doing so without public inconvenience. Applications of the kind at other periods, the Court will feel themselves compelled to reject, except in cases of indispensable necessity.

Agra, the 19*th February*, 1847.

No. 443 OF 1847.

To the Civil Judges in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, are pleased to declare the Rule, contained in the Circular Order, No. 211, of the 1st July, 1842, extended to the Local Appellate Courts.

Agra, the 13*th April*, 1847.

No. 449 OF 1847.

To the Civil Authorities in the North Western Provinces.

The Court of Sudder Dewanny Adawlut for the North Western Provinces publish, for general information, amended translations of the following passages, occurring in Section 5, Regulation III. of 1803, viz. "The Plaintiff shall not introduce in his Reply any matter not contained in his complaint," and "he (the Defendant) shall not introduce in his Rejoinder any matter not contained in his answer."

Agra, the 13*th April*, 1847.

No. 450 OF 1847

To the Civil Authorities in the North Western Provinces.

The Court finding, on examining the Quarterly Reports of requisitions to Collectors, relating to Execution of Decrees, that much delay occurs in effecting the partition of landed property under Decrees of Court, owing to the omission of the Decree-holder to deposit the estimated amount of the Ameen's remuneration, are pleased to direct that, whenever any injunction of the above nature may be sent to the Revenue Authorities, it shall be accompanied by a requisition to the Collector for an Estimate of the expense likely to be incurred in making the desired partition, and on receipt of his

reply, notice shall be served on the Decree-holder, to deposit the required amount in Court within any reasonable period, not exceeding six weeks: should the Decree-holder, after receiving this notice, fail to conform to the Orders of the Court within the time allowed his application for execution shall be struck off the file, and intimation given to the Collector, that he may act accordingly.

Agra, the 12th April, 1847.

No. 635 OF 1847.

To the Civil Authorities in the North Western Provinces.

Act XXIX. of 1841 enacts, that, " if a Plaintiff or Appellant in any Court shall, at any time neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed," but a difference of practice has been found by the Court to prevail in the mode of calculating the period in question. The Court think it advisable, therefore, to direct attention to Circular Order, Sudder Dewanny Adawlut, No. 45, dated 12th April, 1844, the principle of which would seem to have been occasionally overlooked in determining whether default has occurred or not, and to observe, that a Suit or Appeal is liable to be dismissed at the time of adjourning Court on the 42nd day from the day on which the Plaintiff or Appellant " proceeded," *not* counting that day as one of the forty-two.

Agra, the 10th May, 1847.

No. 654 OF 1847.

To the Civil Authorities in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, direct that the following be substituted for the 4th paragraph of a letter, addressed by the Presidency Sudder Dewanny Adawlut, to the Judges of Zillah Jungle Muhuls, under date the 16th July, 1819, and printed in Appendix to Circular Order, Sudder Dewanny Adawlut, No. 61, dated 31st August, 1832;

Para. 4. " Should the original Bond be brought into question, and its validity need to be determined, the Moonsiff cannot have jurisdiction, unless the sum, which forms the subject of suit, together with the sum of all instalments subsequently claimable under the Bond be within the legal competence of a Moonsiff. If the suit be instituted to recover the *Balance* of Principal, with interest, due on a Bond, for more than 300 Rupees, and the amount claimed be within the competence of a Moonsiff, the Moonsiff will have jurisdiction, and the Plaint will be engrossed on a Stamp of value sufficient to cover the *Claim;* if the suit be instituted for the recovery of an instalment with or without interest, and the sum thereof, together with the sum of all other instalments subsequently claimable under the Bond, be within the competence of a Moonsiff, the Moonsiff will have jurisdiction, and the Plaint will be engrossed on a Stamp equal to the aggregate amount of the instalment and interest claimed, and of the sum of all instalments subsequently due."

Agra, the 14th May, 1847.

No. 664 OF 1847.

To the Civil and Criminal Authorities in the North Western Provinces.

The Court, anticipating that prosecutions for Forgery, brought to light in the course of Civil Judicial Proceedings, may become more frequent, as the expediency of using every lawful means for the suppression of that offence becomes more obvious, think it useful to notify, that the provisions of Section 4, Regulation III. of 1804, have been held by both Courts of Nizamut Adawlut to be capable of enforcement by the Civil Judges against any party, who may abscond, being at the time under a charge of Forgery, brought to light in the course of Civil Judicial Proceedings. It will be the duty of the Civil Judge, in such cases, to call upon the Magistrate of the District to perform the Acts described in Section 4, Regulation III. of 1804, and the corresponding Section of Regulation XX. of 1817, with a view to the apprehension of the absconding party, and it will be incumbent on the Magistrate to obey such requisitions, and to proceed, as he would do, were the absconding party in question charged with a criminal offence primarily cognizable in his Court. The principle set forth in the 3rd paragraph of Construction No. 648, is declared applicable to attachments of property, directed to be made under the sanction of the Law above cited and these instructions.

Agra, the 17th May, 1847.

No. 725 OF 1847.

To the Civil Judges in the North Western Provinces.

The Court having observed, that considerable misapprehension exists as to the right construction of paragraph 4 of the Circular Order, No. 205, of the 10th June, 1842, direct me to communicate to you the following remarks and instructions for your future guidance.

2nd. The object of the rule adverted to, was to lay down a general *Principle* for the guidance of the Judicial Authorities in deciding upon claims to property, attached in execution of Decrees of Court. The principle was, that possession was the sole point to be looked to, and determined in the Miscellaneous departments. This, however, did not contemplate, that execution was to be stayed, if for instance, the heir of a Debtor, who died after judgment given, was in possession of the Estate of the deceased: nor indeed did it contemplate any thing, but an actual and *bonâ fide* possession, (as far as that could be summarily ascertained), under a title adverse to the right of the Debtor, and therefore such a right as would bar execution of the decree obtained. Nor was it intended to deprive the Courts of Justice of the discretionary power vested in them to decide upon the fact, according to the evidence adduced, as to whether the claim of the objector rested upon an actual and *bonâ fide* possession, or involved merely the allegation of a fictitious and fraudulent transaction.

3rd. The Court, therefore, desire that, in adjudicating such claims, the Judicial Authorities will still act upon the principle laid down in the Rule adverted to, the application of the principle must be left to the discretion of the Courts, with reference to the merits of each particular case.

Agra, the 21st May, 1847

No. 715 of 1847.

To the Civil Authorities in the North Western Provinces.

Claims to recover the purchase money from Decree-holders or others, to whom it may have been paid away by order of the Courts, are not infrequently brought by the auction purchasers of Rights and Interests, sold in execution of Decree, on the ground, that the alleged Rights and Interests are either less than they were declared to be, or altogether non-existent.

2nd. The Court, observing, that no uniform principle is applied to the adjudication of the claims above described, are pleased to publish a Decision of the Sudder Dewanny Adawlut, North Western Provinces, in the case noted marginally,* and to desire, that it be in future regarded as a precedent by the Judicial Authorities in these Provinces.

* Mr. H. H. Bell, *Special Appellant,*
versus
Bhara Mull, *Respondent.*

Decision of the Sudder Dewanny Adawlut, in the case of

H. H. Bell, Esq.,—*Special Appellant,*

versus

Bhara Mull,—*Respondent.*

Dated 26*th December,* 1844.

The Appellant had brought to public sale, in execution of a Decree, which he had obtained against one Keerut Singh, this person's Mortgage Lien on two-thirds of Mouzah Bijowlee, which was at that auction purchased by the present Respondent, who subsequently was made a Defendant, as Sale purchaser in a Suit which had already, previously to the sale, been instituted by Gunga Doss Mohunt against the Zumeendars, who had given the Mortgage to Keerut Singh; the suit being laid on the ground, that the Zumeendars had sold by private sale, the Village abovenamed, to him before the attachment of Keerut Singh's Lien on the property by Mr. Bell, preliminary to sale. Gunga Doss Mohunt having gained a Decree establishing his right to the property he had purchased, this Respondent brought the present Suit against the Appellant, the former Decree-holder, for whose benefit the sale of Keerut Singh's Mortgage Lien on the Village had been held, and who had received the sale price. He obtained decrees in his favor. The grounds of these decisions being that the Mortgage Lien of Keerut Singh had ceased and determined prior to the Decree-holder, Mr. Bell, having any legal right thereon.

The point, brought for the Court's decision in Special appeal, was, whether the Purchaser at Auction sale can have any right against the Decree-holder, under circumstances such as are set forth in the present suit.

The Court, having given full deliberation to this question, are clearly of opinion, that the Purchaser at an Auction sale has no ground to be indemnified by the Decree-holder for the loss which his having purchased on a bad title may occasion to him

because it cannot be said, that the Auction purchaser makes his purchase on the credit of the Decree-holder, *i. e.*, that the latter gives any expressed or implied guarantee to bidders at the Auction of good title to specific property, as vested in the party, whose Rights and Interests, whatever they may be, are exposed to sale. It must be considered that purchases, made at these public Auctions, are made at the sole risk of the party purchasing, who has every opportunity, during the period of the currency of the advertisements of sale, to enquire into the title of the party, whose right is to be disposed of, and into its actual extent, and value; and if he cannot satisfy himself regarding these matters, he is at liberty to abstain from the speculation altogether. The Court, therefore, reverse the decisions of the Lower Courts, and decree in favor of the Appellant with the usual Costs.

Agra, the 26th May, 1847.

No. 721 OF 1847.

To the Civil Judges in the North Western Provinces.

It has been ascertained, that, in the course of the late Settlement operations in these Provinces, many released Rent-free Estates have been settled, under the provisions of Section 17, Regulation VII. of 1822, with proprietary communities, having a permanent hereditary and transferrable Right of property in the land, the interest of the Lakhirajdar being in such cases restricted to the receipt of a quit rent, payable by the said community; that each Village has been assessed, for the whole term of the Settlement, on the same principle and in the same detail, as that followed in Estates paying Revenue to Government, and that the only difference consists in this, that, until the lapse of the Rent-free tenure, the Assessed Jumma instead of being received by the Government, will be paid to the Lakhirajdar, who is in fact the *Assignee* of the Government. It follows, therefore, that the position which the Proprietary body occupy in these Estates, is precisely similar to that, which the Proprietors of Malgoozaree Estates occupy, except that their industry, instead of contributing *directly* to the resources of the State, produces the same effect by indirect means.

2nd. A question has arisen as to the valuation of claims to Proprietary right in Estates of the nature above described, the Lakhirajdar not being a party to the action, and it is one of sufficient importance to call for an authoritative declaration of the Court's opinion.

3rd. The Court are accordingly pleased to notify, for the guidance of Judicial Officers, and the information of those concerned, that in Suits, affecting the Proprietary right to land in such Estates (the Lakhirajdar not being a party to the same), the value will be determined according to the rule laid down in the first Note* to Article 6, Schedule B, Regulation X. of 1829, the word "Government" therein occurring, being held to include, according to a known rule of law, the *Assignee* of the Government also.

* "In Suits for lands paying Revenue to Government, if forming one entire Muhal, or a specific portion thereof, with a defined Jumma, the value shall be assumed in the Ceded and Conquered Provinces, including Cuttack, at the amount of the Annual Jumma payable to Government on account of the Muhal or portion thereof, as aforesaid, and where the land has been assessed in perpetuity, at three times the amount of the Annual Jumma."

Agra, the 26th May, 1847.

No. 740 of 1847.

To the Civil Judges in the North Western Provinces.

With reference to Construction No. 1308, which declares, that Moonsiffs are incompetent to receive Supplementary Plaints or Answers, the Court promulgate for general information, that the restriction does not extend to Petitions, designed to rectify evident errors in Plaints or Answers.

2nd. According to Section 5, Regulation IV. of 1793, (corresponding with Section 5, Regulation III. of 1803,) the Supplemental Plaint or Answer is intended to supply "any thing material to the suit," which "from mistake, inadvertence, or other cause," the Plaintiff or Defendant "shall have *omitted* to insert" in the Plaint or Answer. But an omission to insert is different from an evident mistake in regard to that which has been inserted. For instance, if a Plaintiff had omitted to sue for the Interest as well as the Principal of a debt, he could not be allowed in the Moonsiff's Court to supply the omission; but having sued for both Principal and Interest, he ought to be allowed to correct an evident error of calculation.

Agra, the 3rd June, 1847.

No. 771 of 1847.

To the Civil Judges in the North Western Provinces.

The Court have reason to believe, that sufficient care is not taken by the Civil Judges in enquiring into the character, respectability, and family connections of Candidates for the Office of Moonsiff, previous to granting the usual Certificates for the purpose of enabling them to appear before the examination Committees, or (which is much more probable) that the Judge, being by the nature of his Official duties for the most part fixed at the Sudder Station, and brought but little into personal communication with the people generally, has hardly adequate opportunities of becoming acquainted with the character and connections of those who apply to him for the Certificates in question.

2nd. In addition, therefore, to the Rules, at present in force, the Court are pleased, with the sanction of Government, to direct, that the Judges, in granting Certificates shall first note upon them the particulars required by paragraphs 3 and 6, Circular Order, No. 201, dated 26th July, 1842, and shall then transmit them to the Commissioners of their respective Divisions, who are hereby required to countersign such Certificates, after taking means to satisfy themselves, that the Candidate is fitted by the respectability of his family connections and personal character to be admitted into the Judicial Department. Any Commissioner who may decline to countersign a Certificate thus forwarded to him, will record the grounds of his recusancy on the face of it, and return it to the Judge from whom he received it, with a view to its being submitted for the Orders of the Sudder Dewanny Adawlut.

Agra, the 7th June, 1847.

No. 770 OF 1847.

To the Civil and Criminal Authorities in the North Western Provinces.

All officers subordinate to the Sudder Dewanny and Nizamut Adawlut, who have been in the habit of indenting for Lithographic Forms upon the Superintendent of the Agra Orphan Press, are required for the future to submit their Indents half yearly to the Court in the form appended to this Circular.

2nd. All Indents are to be prepared on the 1st of January and 1st of July, and are to be forwarded without loss of time.

3rd. When a Form applied for, is an usual one passed by the Court, no copy or sample need be submitted.

4th. No intermediate application for Lithographed Forms will be attended to, unless under peculiar circumstances of emergency.

5th. The Circular Order, No. 1365, dated 7th September, 1846, is hereby rescinded.

Half Yearly Indent for Lithographed Forms.

Description of Form.	Number last applied for.	Number in Store.	Number now indented for.

Agra, the 7th June, 1487.

No. 821 of 1847.

To the Civil Authorities in the North Western Provinces.

The Court, having been informed, that some of the Judicial Officers in these Provinces have been in the habit of admitting claims to property, advertized for sale in Execution of Decree, after the period of the Proclamation, prescribed by Clause 2, Section 3, Regulation VII. of 1825, has expired, deem it advisable to point out that such practice is both illegal and inexpedient.

2nd. Clause 6, Section 3, Regulation VII. of 1825 enacts, that, if any claim be preferred to the property advertized for sale in execution of a Decree, or any objection offered to the proposed sale, "within the period of the Proclamation," it shall be enquired into, provided that the representation thereof shall not appear to have been designedly or unnecessarily delayed with a view to obstruct the ends of justice. If, the Court observe, a sale be postponed, pending the investigation of a claim or objection preferred within the period limited, it is obviously proper that, on the said claim or objection being disposed of, another Proclamation, (the term of which should not be less than 15 days), fixing the time and place of sale, with particulars of the property to be sold, and of the amount for the recovery of which the sale is ordered, should be issued for the information of intending purchasers, but it is not competent to the Courts to receive new claims, or objections to the sale within the period of *that* Proclamation, or, in fact, at any time after the expiry of 30 days from the date of the first, and only Proclamation, contemplated by the Law. The representation of such claim or objection, after the period of the first Proclamation of the intended sale has elapsed, can only be regarded as having been "designedly and unnecessarily delayed with a view to obstruct the ends of justice," and the only proper course is to proceed to the sale, leaving the Claimant, in the words of the Law, "to prosecute his claim, after the sale, by a regular Civil suit."

3rd. Where such a practice prevails, a sale may be postponed time after time, pending enquiry into pretended and unfounded claims, and the Decree-holder be defeated in his endeavor to realize that, which has been judicially declared to be his due.

Agra, the 11*th June*, 1847.

No. 886 of 1847.

To the Zillah Judges in the North Western Provinces.

The Civil Statement, No. 1, having been so modified as to exhibit separately the Decisions of the Principal Sudder Ameens in Suits above and below 5,000 Rupees, the note prescribed by Circular Order, No. 71, dated 28th February, 1840, is no longer required, and the Circular in question may be considered as rescinded.

Agra, the 21*st June*, 1847.

No. 1055 OF 1847.

To the Civil Authorities in the North Western Provinces.

The Court having received the Returns to their Circular letter* of enquiry, as to the operation and effect of the Rules prescribed by Circular Order, No. 208, dated 24th June, 1842, to be observed in bringing Suits for the right and possession of land in coparcenary Muhals, have resolved to modify that Circular.

* No. 403, dated 28th March, 1846.

2nd. It has been brought to the notice of the Court, that the Sudder Board's definitions of the terms "Zumeendaree, Putteedaree and Imperfect Putteedaree," as legitimatized by the Court in the Circular Order above cited are inaccurate, and that, consequently the classification of Tenures, which forms the basis of the Rules appended to that Circular Order, is imperfect and calculated to mislead.

3rd. The following, which have been authoritatively promulgated in the 87th, 88th, and 89th paragraphs of "Directions for Settlement Officers" are recognized by the Court as correct, and will be taken by the several Judicial Authorities to supercede those upon which the Rules of the 24th June, 1842, are founded.

"*Zumeendaree* Tenures are those in which the whole land is held and managed in "common. The rents paid by the Cultivators, whether those Cultivators be the Proprie- "tors themselves or not, are thrown into a common stock, with all other profits from "the Estate, and, after deduction of expenses, the balance is divided amongst the Pro- "prietors according to a fixed Law.

"*Putteedaree* Tenures are those, in which the lands are divided, and held in seve- "ralty by the different Proprietors, each person managing his own lands and paying his "fixed share of the Government Revenue, the whole being jointly responsible in the "event of any one sharer being unable to fulfil his engagements.

"*Imperfect Putteedaree* Tenures are those, in which part of the land is held in "common, and part in severalty, the profits from the land held in common being first "appropriated to payment of the Government Revenue, and the Village expenses, and "the overplus being distributed, or the deficiency made up, according to a rate (or "baach'h) on the several holdings. In such cases the proprietors are said to pay their "revenue by dhar baach'h or beegah dam.

4th. Another circumstance to which much of the evil that is supposed to have ensued, is traced, is the very general impression that the Rules imperatively attach the penalty of Nonsuit to an omission on the part of the Plaintiff to *designate* the Tenure on which the land claimed may be held, even though he accurately describe its nature it is needless now to enquire whether this impression is justified by the terms, which the Circular Order is expressed: suffice it to say, that so much of Rule 1, as may have been understood to require, that a Plaintiff failing or erring, in the designation of the Tenure, on which the land sued for may be held, shall have his claim nonsuited, is hereby rescinded.

5th. It is stated, in the 10th paragraph of Circular Order, No. 208, dated 24th June, 1842, that "the Regulations require, that every Plaint shall contain a distinct and specific statement of the nature of the claim preferred, and the grounds on which it is based, and that, before entering on the investigation of any case, the exact points to be proved by the parties shall be ascertained and recorded; the Court desire, on the present occasion, to repeat in the most emphatic manner, that the strict observance of this Rule is indispensable to the right understanding aud correct adjudication of all claims preferred in the Civil Courts, but more particularly of those, relating to the right and possession of land in coparcenary Muhals, and that any Plaintiff neglecting or failing to conform to it, exposes himself to the risk of a nonsuit, but they wish at the same time to remark that the infraction of this essential Rule is very different from a mere *omission* on the part of a Plaintiff to *designate*, or an *error* in the *designation* of the Tenure, on which the land sued for may be held, neither of which can be taken to deprive him of his right to an adjudication of his claim on its merits. In short, it is not necessary, that the *name* of the Tenure should be mentioned in the Plaint, but that "the *nature* of the Tenure" should be accurately described, and the claim, with the grounds on which it is based, distinctly and specifically stated.

6th. With these qualifications the Rules of the 24th June, 1842, are to be considered in full force.

Agra, the 3rd August, 1847.

No. 1113 OF 1847.

To the Civil Judges in the North Western Provinces.

The Court are pleased to direct that an additional column headed "Law Expences," be inserted immediately before the last column of the Statement of Pauper Suits the transmission of which to the Collector was prescribed by the Circular Orders of the 24th April, (Western Provinces, 17th July) and 2nd October, 1846.

Agra, the 18th June, 1847.

No. 1204 OF 1847.

To the Registers of Deeds in the North Western Provinces.

It has been suggested to the Court that reference to the record of Registry would be greatly facilitated, and at the same time an efficient check imposed on the falsification, or fraudulent alteration of Deeds, by enforcing the observance of Clause 7, Section 24, Regulation XLII. of 1803, which requires the Registers of Deeds to furnish the Collectors "with the particulars of all transfers of landed property, which may be entered in their Registers."

2nd. The system of record and registration established in the Collector's office need not be here explained; "if rightly carried out," the Court are assured, "it ensures

that every actual change of Proprietary possession, whether rightful or wrongful must be shewn in the Collector's Office, with a detail of the grounds on which it rests, so far as they are capable of ascertainment, and the mode in which it was effected."

3rd. The Court, having communicated with the Sudder Board of Revenue on the subject, are pleased accordingly to direct, that whenever any Deed Affecting landed property may be Registered in any Office of Registry, the Register of Deeds shall, after completion of the registration in his books, transmit a correct and carefully written copy of the Deed, together with copies of all papers relating to it, under cover of a separate Roobakaree to the Collector of the District, in which the property affected by the Deed may be situated; no delay must be allowed to occur in the transmission of these papers, which must, moreover, be very carefully compared with the originals, and attested by the Official signature of the Register of Deeds.

4th. The Collectors, on receiving these papers, will deal with them according to the instructions issued by the Sudder Board of Revenue, under this date.

5th. The Registers of Deeds are also required to forward to the Collectors of their respective Districts, at the close of each month, an Extract from their Index No. 2, exhibiting the particulars of all Deeds affecting landed property which may have been noted therein during its currency, and the Collectors will be expected by reference to this Extract to ascertain whether copies of all the Deeds comprised therein have been received or not. Any omission or neglect on the part of the Register of Deeds will thus be easily detected, and its effects as easily remedied by an application in the proper quarter.

6th. The duty of forwarding to the Collectors, Copies of Deeds, registered under the provisions of Act IV. of 1845, will rest with the Register of Deeds, whose Office may be established at the Sudder Station of the District in which the property affected by the Deeds in question, may be situated.

7th. The Zillah and City Judges are enjoined, in performing the acts required of them by Clauses 2 and 3, Section 6, Regulation XX. of 1812, and Paragraph 10 of the Court's Circular Order, dated 26th July, 1844, to see that the requirements of this Circular Order are duly and promptly attended to, and to report for the information of the Court any disregard or neglect thereof, which may be brought to their notice either officially or incidentally.

Agra, the 1st September, 1847.

No. 1364 OF 1847.

To the Civil Judges in the North Western Provinces.

A question having been raised, as to the necessity of swearing Ameens, appointed under the Circular Order, No. 197, Lower Provinces, 13th January, and Western Provinces, 10th February, 1837, to the truth of the Reports delivered in by them, the Courts of Sudder Dewanny Adawlut have ruled that, as Moonsiffs who might be

employed as Ameens by Sections 50 to 53, Regulation XXIII. of 1814, were not required to attest on oath the truth of their Returns, because they had taken and subscribed an Oath of Office as prescribed in Section 11 of that Regulation, it is in like manner unnecessary to swear Ameens to the truth of each separate Return, after they have taken a general Oath of Office on their appointment, as they are* Ministerial Officers of the Courts.

* Construction, No. 1271.

2nd. Section 54 of the Regulation cited, sanctions the deputation of the Ministerial Officers of the Courts, to transact Ameens' duties; and the Reports of such Officers who have been on their appointment sworn according to Regulation XIII. of 1793, and Regulation XII. of 1803, or have subscribed the Declaration substituted for Oaths by Section 2, Regulation XVIII. of 1817, may equally be received as evidence.

3rd. Upon this view of the Law, the Courts deem it proper, that Ameens appointed under the Circular Order abovementioned, be uniformly required to subscribe, on their appointment, the Declaration prescribed by Section 2, Regulation XVIII. of 1817, and that, when their Reports are referred to as evidence, the fact of such subscription be set forth in the Decree, as indicated in Rule 8 of the Circular Order, (No. 8, Lower Provinces), No. 106, dated the 12th February last.

4th. Ameens appointed under the Circular, from whom such subscription may not have been required are to be called upon to conform to the Rule.

5th. Persons deputed as occasional Ameens, not being sworn Ministerial Officers, are to attest on solemn declaration the truth of the Reports delivered in by them, as enjoined by Section 17, Regulation IV. of 1793, and Section 18, Regulation III. of 1803.

Agra, the 17th September, 1847.

No. 1365 of 1847.

To the Civil Judges in the North Western Provinces.

The Courts of Sudder Dewanny Adawlut have had occasionally to notice, notwithstanding the injunctions laid down in Circular Order, No. 29, dated 11th January, 1839, that Plaintiffs have instituted actions for a portion of their claim, intimating their intention to sue separately for the remainder at a future period; they have therefore felt that a necessity exists for an authoritative explanation of the Circular.

2nd. The Circular sets out with declaring, that it is illegal, for the reasons stated to divide a claim of inheritance, and in its 6th paragraph, it is ruled that Interest or Wasilât shall be presumed to have been relinquished, in the event of either not being claimed on the institution of a suit for the Principal of a debt, or for Proprietary right.

3rd. The two points involved are, whether a Suit should be heard which professes to be for only a portion of the thing claimed; and, whether one should be heard, which is for that portion not included in the first Plaint?

4th. On these two points, the Courts have directed the promulgation of the following Rules, as Supplemental to Circular Order, No. 29, of the 11th January, 1839, but with the intention of their only having prospective effect.

1st. If a Plaintiff sues expressly for a portion of his claim, stating in his Plaint that he will afterwards sue for the remainder, he is to be at once nonsuited.

2nd. If a claim is made without mention of any remaining claim, the Suit is to be heard.

3rd. A Suit brought for what ought to have been included in a previous Suit, is to be dismissed.

Agra, the 30th September, 1847.

No. 1405 OF 1847.

To the Registers of Deeds and Civil Judges in the North Western Provinces.

The Court of Sudder Dewanny Adawlut, North Western Provinces, publish for general information an amended Translation of the "Extract from the reply of the Calcutta Court" appended to Construction No. 1351, in supercession of that which appeared in the Government Gazette of 11th October, 1842.

Agra, the 2nd October, 1847.

No. 1559 OF 1847.

To the Civil Authorities in the North Western Provinces.

In modification of the Rules, contained in Constructions Nos. 935 and 1056, and in Circular Order, No. 42, dated Lower Provinces, 26th January, and Western Provinces, 15th February, 1844, the Courts of Sudder Dewanny Adawlut are pleased to prescribe, that to give a Title to a share in the proceeds of sale, rateably, the Claimant must take out 'Process of Attachment,' *previous to the sale of the property*. Further they direct, that before any distribution of the Assets, the attaching Decree holder shall be reimbursed from them, the charges which he had actually incurred.

2nd. With a view to defeat the purposes of those who collusively obtain Decrees on confession of judgment to the injury of *bonâ fide* Decree holders, the Courts have resolved: firstly, that in Suits in which judgment is confessed, the claim must be proved as in cases decided *ex parte*. No Decree shall therefore be given simply on the admission of the claim by the Defendant, without also proof of it by the Plaintiff, and, secondly, that no Decree for real property founded on confession of judgment, shall be admitted to bar the sale of Rights and Interests in such property in execution of a Money Decree. At the time of sale, however, it shall be certified to purchasers that such a Decree exists.

Agra, the 25th November, 1847.

No. 1603 OF 1847.

To the Civil Authorities in the North Western Provinces.

Doubts appearing to exist as to the propriety of evidence, previously adduced in a nonsuited case, being received in a subsequent Suit, the Court of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, desire it to be understood, that depositions given in a nonsuited case shall be hereafter considered available as evidence in a subsequent Suit, arising out of the same cause of action, and between the same parties, provided, that it shall always be discretionary with the presiding Judge, or optional with either party, to require the personal attendance of the former Witnesses for re-examination, or of other Witnesses in addition to them.

Agra, the 4th December, 1847.

CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1846.

No. 205 of 1847.

To the Criminal Authorities in the North Western Provinces.

The opinion of the Court as to the applicability of Act III. of 1844 to persons, convicted of attempting to commit Theft, having been more than once solicited, it is thought advisible to notify, that attempts to commit Theft do not fall under the provisions of that Enactment. The liability of a Convicted Offender to Corporal punishment is determinable by the estimated value of the property proved to have been stolen, and, as in cases of attempt it would be impossible to define, within any given limits, the value of the property that might have been stolen, had the attempt been successful, the Law, it is clear, cannot in such cases be enforced. Further, the Court observe, that, had it been the intention of the Legislature to bring attempts to commit Theft within the compass of the Act, the more precise phraseology, which is used in Regulation XII. of 1818, for instance, and which places attempts to commit in the same category with Thefts actually perpetrated, would have been employed.

2nd. The Calcutta Court have expressed their concurrence in this Construction of the Law.

Agra, the 27th February, 1847.

No. 327 OF 1847.

To the Criminal Authorities in the North Western Provinces.

Doubts having been entertained as to whether the implication of a *private* Chowkeedar or Watchman in a Burglary, renders his commitment to the Sessions Court com-

pulsory under the provisions of Clause 2, Section 2, Regulation XII. of 1818, the Court are pleased to direct the attention of the Criminal Authorities to the terms of Clause 6, Section 11, Regulation XIV. of 1807, and Clause 9, Section 21, Regulation XX. of 1817, which declare, that "private Watchmen entertained by individuals for guarding their Houses, Shops or other Premises" within the Towns or Villages where the Darogahs of Police or Officers of Outposts may be stationed, and within the Cotwalee jurisdiction shall be considered subject to the Orders of the Police Officers, and are required to act in concert with them.

2nd. The provisions, however, of Clause 6, Section 11, Regulation XIV. of 1807 being declared by Clause 4, Section 12 of the same Regulation, applicable to "all private "Watchmen, entertained by individuals for guarding their Houses, &c., within the Towns, "Gunjes or other places, forming part of any Mofussil Police jurisdiction," it follows that private Watchmen of whatever denomination, and by whomsoever entertained, are "required by the Regulations to assist the Police Officers in preventing Robbery "and other crimes, and in apprehending Offenders," and that, being thus in the same category with the Chowkeedars and others, described in Section 4, Regulation III. of 1805, they come within the intent and meaning of the Rule contained in Clause 2, Section 2, Regulation XII. of 1818.

Agra, the 31st March, 1847.

No. 467 of 1847.

To the Sessions Judges in the North Western Provinces.

The Courts of Nizamut Adawlut for the Lower and North Western Provinces notify for general information, that it has been ruled by them, that Assistants with Special powers, are competent to dispose of cases under Regulation VII. of 1819.

Agra, the 21st May, 1847.

No. 553 of 1847.

To the several Criminal Authorities in the North Western Provinces.

The Court, finding that the Circular Order, No. 848, dated 21st August last, has misled the Criminal Authorities and induced the belief, that the being "accessary" and the being "privy" to a Felony are intended by the Court to be regarded as similar Offences are pleased to rescind it.

2nd. The Court desire before prescribing the use of any corresponding terms in the Vernacular, to observe that the act which constitutes what is called "privity" in this country corresponds with Misprison of Felony in English Law, viz., the concealment, or the procuring the concealment of a felony which a man knows, but never assented to, or the observing, silently, the commission of a Felony, without using any endeavor to apprehend the Offender; it is, therefore, strictly an offence of a negative kind consisting in the concealment of something that ought to be revealed. Accessaryship, on the

other hand, is an offence of a positive kind and of a higher degree of criminality, implying an active participation, either by procuring, counselling, commanding, or abetting another to commit a felony or with a knowledge, that a felony has been committed by another, by receiving, relieving, comforting, or assisting the Felon. The distinction between the two offences is marked; the one is a Misdemeanor in English Law, the other is a felony; the one is in its kind negative, requiring nothing but silent, passive acquiescence in the commission of a felony to constitute it, the other is a positive participation in the commission of a felony either by counsel and command before the fact or by relief and assistance given to the Felon, after the fact.

3rd. It is therefore necessary that these offences should be represented by different terms in the Vernacular Language, but there is some difficulty in doing this, because Accessaryship as contra-distinguished from Complicity on the one hand, and from Privity on the other, not being recognized by the Mohumedan Law, there is no *one* word in the Arabic or Persian language by which it can be appropriately rendered. Still, the Court think, the distinction will be sufficiently marked, if, in selecting corresponding terms in the Vernacular, regard be had to the facts, that, as either the construction or actual *presence* of the accused at the time when the crime is committed is necessary to constitute *complicity* on his part, so the *absence* of the accused is essential to the charge of being an "accessary": or, in other words, he who is present, aiding and abetting in the commission of a felony may be an accomplice, or a principal, but he cannot, in the legal sense of the words, be either accessary, or privy to its commission. The following terms are therefore prescribed for general use, in translating the charges referred to:

"Accomplice" will be rendered by the word — شریک بوقت جرم

"Accessary" before or after the fact, — شریک ماقبل یا مابعد جرم
or — یا
before and after the fact, — شریک ماقبل اور مابعد جرم
as the case may be will be rendered by the words,
and "Privity" by the word — رازداری

"To express 'aiding and abetting' the term اعانت should be employed.

4th. It only remains for the Court to remark, that, Accessaries before and after the fact being Felons in consideration of Law, the privilege of commuting labor to a fine should not be extended to them as to those who may be convicted of "Privity" which is a Misdemeanor only.

Agra, the 7th June, 1847.

No. 725 OF 1847.

To the Criminal Authorities in the North Western Provinces.

The Court, having noticed instances in which charges for Perjury have not been drawn up with due precision, are pleased to prescribe the following Forms for use *mutatis mutandis.*

"Perjury in having, on the 1st May, 1847, deposed under a solemn Declaration taken instead of an Oath, before the ——— of ———, that (here enter the false state-

ment in which the Perjury consists) such deposition being false and having been intentionally and deliberately made in a point, material to the issue of the case."

"Perjury in having on the 1st January 1847, intentionally and deliberately deposed, under a solemn Declaration taken instead of an Oath before the ——— of ———, that (here enter the first Statement,) and in having on the 15th February, 1847, again, intentionally, and deliberately deposed under a solemn Declaration taken instead of an Oath, before the said ——— or (any other Court) that (here enter the second Statement,) such statements being contradictory of each other on a point material to the issue of the case.

The second form which is a modification of that of the Circular Order, No. 126, Lower Provinces, 18th June, and Western Provinces, 23rd July, 1841, is to be used in cases of Statements directly at variance with each other. The first form is to be used in other cases of Perjury.

Agra, the 23rd July, 1847.

No. 755 OF 1847.

To the Criminal Authorities in the North Western Provinces.

The direction in Clause 5, Section 14, Regulation XX. of 1817 to ascertain the length, breadth and depth of wounds on the bodies of wounded or deceased persons, having been considered to authorize Police Officers to probe wounds, the Court are pleased to prohibit the practice, and to intimate that Police Officers are expected to report merely from inspection the apparent length, breadth and depth of wounds.

Agra, the 25th June, 1847.

NOTIFICATION

OF THE

SUDDER DEWANNY ADAWLUT,

NORTH WESTERN PROVINCES.

FOR 1847.

No. 1859 OF 1846.

The following Rules, for the attachment and sale of property in satisfaction of Decrees of the Civil Courts, having been approved by the Supreme Government, under Section 11, Act IV. of 1846, are published by order of the Sudder Dewanny Adawlut, North Western Provinces, for general information, and for the guidance of the Judicial Authorities.

Agra, the 14th December, 1846.

Rules for the sale of Land or of Rights and Interests in Land, paying Revenue to Government, in execution of the Decrees of the Civil Courts, as required by Section 11, *Act IV. of* 1846.

Sales of Land or of Rights and Interests in land, in satisfaction of the Decrees of the Civil Courts shall be held by Collectors of Land Revenue on the 20th day of each month in the year, not being a Sunday or other close Holiday, in which case they shall be held on the next Office day after such Sunday or other close Holiday.

II. Whenever a Court of Civil Judicature shall have occasion to bring to sale, in satisfaction of a Decree, the Rights and Interests alleged to be possessed by any person in a Muhal, or other Landed property, paying Revenue to Government, (the said property not being such as the Judicial Authorities are legally empowered to sell without reference to the Revenue Officers of Government) the Court enforcing the Decree shall transmit direct to the Collector, or other Subordinate Officer, to whom the duty may be committed, a requisition to that effect in a Roobakaree, embodying therein the information required by Section 7, Act. IV. of 1846, agreeably to the Form appended (A).

III. In cases, in which it may appear expedient to attach Lands intended or ordered to be sold in satisfaction of a Decree, the Court shall address an injunction accordingly to the Collector, or other Officer, as aforesaid, who shall immediately attach and keep charge of them, under the Rules in force for the attachment of Land on account of Arrears of Government Revenue, for such period as the Court, enforcing the Decree, may direct. It shall be the imperative duty of the Civil Courts, to issue instructions to the above effect, whenever from the season of the year, or the representations of parties interested, or on other sufficient grounds they may see reason to apprehend, that embezzlement of the produce will otherwise occur. The surplus collections from the Lands so attached, after payment of the expences of attachment, and of the Instalments of Land Revenue, which may fall due during the period of attachment, shall be held absolutely at the disposal of the Court.

IV. The Collector, or other Officer as aforesaid on receiving a requisition for sale, from the Civil Court, shall verify the entries regarding the Name, Jumma and position of the Muhal, in which the property ordered for sale is said to be situate, and, finding the said entries correct, shall immediately of his own authority issue Proclamations according to the tenor of the requisition, and at the places and in the manner directed by Section 8, of the aforesaid Act in the Form appended (B), provided, however, that it shall rest with the Collector, or other Officer as aforesaid, to determine with reference to the amount required to be realized, whether the whole, or a portion and what portion of the property alleged to be possessed by the Defendant, shall be advertised for sale, and to form the said property into one or more lots and to sell only such lot or lots, as may be sufficient to realize the same. If any error in the entries regarding the Name, Jumma and position of the Muhal, in which the property ordered for sale is said to be situate, be discovered, reference shall forthwith be made to the Court, with a view to its rectification.

V. On the day of sale, it shall be the duty of the Collector, or other Officer as aforesaid, to lay upon the table for the information of the Public, an Extract from the Record of Settlement exhibiting the nature and extent of the Rights, Interests and Liabilities appertaining to the Defendant together with an account shewing so far as it may be ascertainable from the Records of his Office, the Arrear of Revenue or other public demand, claimable from the Muhal in which the property about to be sold is said to be situate. If the name of the Defendant do not appear either in the Record of Settlement or in the Putwarree's Register of intermediate mutations (which is also required hereby to be laid on the table at the time of sale) the Collector or other Officer, as aforesaid shall produce, for the information of intending purchasers, the Report of the Record Keeper of his Office to that effect, and shall attach the same to his proceedings.

VI. Objections against *Proposed* sales, shall be preferred to the Court, enforcing the Decree, and shall be disposed of as heretofore by the Courts agreeably to the provisions of Clauses 4 and 5, Section 4, Regulation VII. of 1825, and it shall not be lawful for the Collector, or other Officer, as aforesaid, to postpone the sale, save under injunction from the Court, received prior to the lot being knocked down, or on unconditional payment of the whole amount proposed to be realized by the sale, or on delivery by the Decreeholder of a Receipt in full of his demand against the person, whose property is about to be sold, or on the occurrence of the contingency contemplated by Section 13, Act I. of 1845, the provisions of which are hereby declared applicable to Estates under these Rules. Should payment of the amount to be realized by sale, be made, or the

Receipt of the Decree-holder be delivered before the lot is knocked down, the Collector or other Officer as aforesaid, shall immediately report the circumstance for the information and Orders of the Court, from which the direction for sale emanated, and shall postpone the sale, pending further instructions.

VII. If the Court overrule the objection, then the sale shall be postponed for the period allowed by existing Rules,* for the preferment of a Miscellaneous appeal from the Order overruling the objection.

* See Clause 5, Sec. 3, Regulation VII. of 1825, Circular Order Sudder Dewanny Adawlut, No. 9, dated 19th July, 1833 Construction Nos. 844 and 877 and Circular Order, Sudder Dewanny Adawlut, No. 26, dated 28th August, 1843.

VIII. The provisions of Sections 31 and 32 of Act I. of 1845 are declared applicable to sales under these Rules, and, in case of the sale of any Right or Interest in a Putteedaree Estate of the nature contemplated by Act I. of 1841, the provisions of Section 4, of the said Act, are hereby declared applicable thereto.

IX. The deposit of 15 per cent. on the amount of the Bid having been made good immediately on the conclusion of the sale in favor of the Bidder, the remainder of the Purchase Money shall be paid before sunset of the tenth day from that on which the sale took place, reckoning that day as one of the ten, or if the tenth day be a Sunday or other close Holiday, then on the first Office day after the tenth day.

X. The sum demanded being paid, as required by the preceding Clause, the Collector or other Officer, as aforesaid, will consider the sale completed, and report to the Civil Court the result of their Orders for sale, retaining in deposit the amount realized: or, if the Purchaser shall neglect or refuse to discharge the Purchase money within the period of ten days aforesaid, the lot or such portion thereof, as may be sufficient to satisfy what remains due, shall be immediately notified for resale agreeably to the terms of Section 8 of the Act, and the 4th Clause of these Rules, without previous reference to the Court, to which it shall only be requisite to give prompt information of the same.

XI. Sales of Land, or of Rights and Interests in land, made in Execution of Decrees of the Civil Courts, shall be held to be final, after the expiration of 30 days from the day of sale, provided that intermediately no objection be offered to the legality of the sale; objection so preferred shall be disposed of by the Courts, agreeably to the provisions of Section 5, Regulation VII. of 1825, and in the event of their rejection, the sale proceeds shall be kept in deposit in the Collector's Treasury until the period, allowed for the institution of a Summary appeal from the Order, overruling the objections, shall have elapsed.

See also Cir. Order Sudder Dewanny Adawlut No. 1, dated 6th June 1828.

XII. As soon as a sale has become final, agreeably to the foregoing Rules, it shall be the duty of the Civil Court, from which the Order for sale emanated, to give intimation thereof to the Collector or other Officer, as aforesaid, and direct him to pay the Amount realized by the sale, to the person entitled to receive it, on application made to that effect, and the Collector, after fulfilment of the Court's instructions, shall transmit the Receipt of the person, or persons, to whom the money may have been paid to the Court for its satisfaction. Purchasers at such sales shall likewise be put in possession of the purchased property by the Collector or other Officer, as aforesaid, under instructions to that effect from the Civil Court; but if the Collector or other Officer as aforesaid

experience any difficulty in giving possession under the Orders of the Court, he shall immediately certify to the Court the precise nature of the difficulty, and shall be guided by such instructions as he may receive. If he consider these instructions insufficient to enable him to give effect to the Orders of the Court, he shall refer the Case to the Commissioner of the Division, who will, if necessary, make a further reference to the Sudder Board of Revenue.

XIII. The Collector of Land Revenue in the performance of the duties assigned to him in these Rules, is the Ministerial Officer of the Civil Court so far as regards the execution of the Orders addressed to him. But it shall rest with the Superior Revenue Officers to provide that the Collector punctually performs the duty assigned to him, and for this purpose they shall institute such check and require such Returns as they may think necessary. If the Judge of the Civil Court is of opinion from his own knowledge, or from the representations of the Subordinate Courts, that the Collector unnecessarily delays or obstructs the progress of any sale or sales, he shall bring the subject to the immediate notice of the Commissioner of the Division, who will call upon the Collector for an explanation, and will use every effort that the cause of complaint be removed.

XIV. No Act of the Collector or other Officer, as aforesaid, under these Rules, shall be considered to bar the Right of Government to recover its demand by any of the Authorized means of realization, all sales made in Execution of Decrees being declared by Section 10, Act IV. of 1846, to be of the nature of private transfers. But a Collector shall not be competent to appropriate any sum realized by him under these Rules, to the liquidation of any Outstanding demand against the Estate except under an injunction to that effect from the Civil Court, or, as provided for in the 3rd Clause of these Rules, it being understood that in every case of sale, it is a condition of the sale, that the Purchaser succeeds to all the Liabilities of the former Proprietor, and the claims of Government upon the Estate are in no way affected by the sale.

XV. All Rents, due on the date of sale, or falling due after that date, shall be claimable by the Purchasers only, and any Receipts for such Rents, given by or on behalf of the former Proprietors, shall not be deemed a legal and sufficient acquittance.

FORM A referred to in 2nd Clause of the Rules.

No. of Suit and Names of parties.	Designation of Court, which made the Decree.	Names of person or persons, whose property is to be sold, and names of their fathers.	Sum for which each of the parties, whose property is to be sold is liable, or if not severally liable, the amount proposed to be realized by the sale.	Name and Jumma of the Mehal constituting or containing the property to be sold, and the Pergunnah in which it is situate.	Specification of the property which the persons are severally alleged in the Schedule of the party, applying for execution to be possessed of.

FORM B referred to in the 3rd Clause of the Rules.

Proclamation is hereby made, that the property noted below will be sold in satisfaction of a Decree passed by The sale will take place at the Collector's Cutcherree on or after unless the sum demanded be previously paid, or the sale stayed by Order of the Civil Court.

Name and Jumma of Mehal, constituting or containing the property to be sold, and the Pergunnah in which it is situate.	Number of Suit and Names of parties.	Name of person or persons, whose property is to be sold and names of their fathers.	Sum for which each of the parties, whose property is to be sold is liable, or if not severally liable, the whole amount proposed to be realized by the sale.	Specification of the property, which the parties are severally alleged in the Schedule of the party, applying for execution to be possessed of.

G. F. EDMONSTONE,
Register.

CIRCULAR ORDERS.

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES,

FOR 1847.

No. 1 OF 1847.

REVENUE.

Sale of Land or of Rights and Interests in Land paying Revenue to Government in execution of the Decrees of Civil Courts.

Board observe that the Rules published by the Sudder Dewanny Adawlut, in the Agra Government Gazette, No. 4, of the 26th January 1847, possess the force of Law in regulating the proceedings of the Revenue Department.

The Sudder Board of Revenue, North Western Provinces, request the attention of Commissioners and Collectors of Revenue to the "*Rules for the Sale of Lands or Rights and Interests in Land paying Revenue to Government in execution of the Decrees of Civil Courts,*" published under the Orders of the Court of Sudder Dewanny Adawlut, North Western Provinces, in the Agra Government Gazette, No. 4, of the 26th January, 1847.

2nd. The Board observe that these Rules, having been prepared in conformity with the Provisions of Section 11. of Act IV. of 1846, and received the approval of the Supreme Government, possess the force of Law, and must accordingly be held to regulate the Proceedings of Officers of the Revenue Department.

The 5th February, 1847.

No. 2 OF 1847.

RAIN GAUGES:—A Quarterly Report of their condition to be made to the Board, in the Form appended, and care and accuracy enjoined in carrying out the rules now promulgated respecting them, and in the general preparation of the Meteorological Registers.

The Sudder Board of Revenue, having had frequent occasion to notice irregularities and discrepancies in the Meteorological Registers, some of which may be traced to the imperfect condition of the Rain Gauges, are pleased to issue the following instructions.

2nd. Commissioners will be pleased to demand from the Collectors under their control, and to furnish to the Board, a Quarterly Report, on the state of the Rain Gauges in their respective Divisions in the Form appended to this Circular.

3rd. The simplest mode of procuring the desired information, is for the Collector to call upon the Officer in charge of each Gauge, to state the necessary particulars in the Column of remarks in every Monthly Register. By this *Officer* is not meant the Mohurrir, who records the fall of Rain, but the Head of the Office, viz., the Tehseeldar or Thanadar, who should subject the Instrument to the necessary tests in his own presence. Any repairs should be noted in the same place and manner.

4th. The Collector or other Officers, who may visit the interior of the District, should be desired to take the opportunity for examining the condition of the Gauges, and the Commissioners should see, upon their Annual Tours, that these instructions are properly acted up to.

5th. A few spare Gauges, according to the extent of the District, should be kept at each Sudder Station, to supply the place of those which may go out of order. When repairs are required, particular caution should be exercised to see that they are made by a proper workman, and that the original proportions are not altered in the process. Care should be taken that the rods are properly marked off, and where a float is not used, paint or any oily substance which renders it difficult to follow the trace of the water, should be avoided.

6th. The Board desire to enjoin the greatest care and accuracy in the carrying out of these Rules, and in the general preparation of the Registers. Where the information contained in these Meteorological Statements is correct, it may prove of inestimable value in cases of Drought or Famine; but where erroneous, by leading to wrong conclusions, it may inflict a positive injury.

Quarterly Report on the State of the Rain Gauges.

District.	Number of Gauges.				Remarks.
	At Sudder Station		At Tehseeldarees.	At Thanahs.	
	In Use.	In Store.			
					Here the Collector will Certify the efficiency of the Rain Gauges mentioning any, and what repairs have taken place.

No. 4 of 1847.

REVENUE.

Dated Agra, the 18th May, 1847.

The Sudder Board of Revenue, publish for general information the following Extract of a Letter from Government, defining the parties in whom the Authority given by Act I. 1847, is vested.

Act I of 1847. Publishes for general information Extract of a Letter from Government defining the parties in whom the Authority given by the Act is vested.

Extract from a Letter of Government, No. 1836, *dated 7th May,* 1847.

" All Collectors and Deputy Collectors, whether Covenanted or Uncovenanted, pos-
" sess Ex-Officio the powers conferred by Act 1. 1847. If it should be desired to confer
" the powers upon other Officers, such as Assistants or Tehseeldars, the Orders of
" Government must be specially obtained for the purpose.

No. 6 OF 1847.

REVENUE.

Dated Agra, the 21st May, 1847.

Tuccavee Advances.

Board direct that a Towzee in the annexed Form be submitted at the close of every Quarter beginning with the 31st March 1847, showing what portion of the outstanding advances is due and the progress made in its collections: it should be kept in detail in the District Offices, but the *Totals* alone for the entire District should appear in the Towzee: where no advances are made no Towzee need be furnished.

The Sudder Board of Revenue, having observed that the Tuccavee advances for the construction of works of Permanent utility have of late years become very large, desire that a Towzee in the annexed Form, be submitted at the close of every Quarter* beginning with the 31st March, 1847.

2nd. This Form is intended to show what portion of the outstanding advances is due, and the progress made in its collection. It should be kept in detail in the District Offices, but the TOTALS alone for the entire District should appear in the Towzee.

FORM.

Half Yearly Towzee of Tuccavee Advances, Collections and Balances for the ——— District to be furnished on 31st December and 30th June.

Advances made.			Advances due.				Outstanding advances.	
1	2	3	4	5	6	7	8	9
Up to close of last half year.	Within the present half year.	Total.	At close of last half year.	Within the present half year.	Total.	Collections within the half year.	Not due.	Due.

* N. B.—Made half yearly by a Circular Order, No. 23, dated 29th October, 1847.

No. 7 of 1847.

REVENUE.

Dated Agra, the 25th May, 1847.

Property pledged as Security and situated in Military Cantonments

Directing that care be taken to see that the hypothecation of such property is duly registered in the Brigade Major's Office, and receives the consent of the Commanding Officer.

The Sudder Board of Revenue, North Western Provinces, request that Commissioners will instruct the Revenue Authorities subordinate to them, that before accepting as Security property situated in Military Cantonments, they be careful to see that the hypothecation is duly registered in the Brigade Major's Office, and receives the consent of the Commanding Officer.

NO. 10 of 1847.

REVENUE.

Dated Agra, the 25th June, 1847.

Alteration of the Jumma of Estates

Collectors and Officers, exercising the power of Collector, strictly prohibited from altering the Jumma of any Mehal of which the current settlement has been approved by Government, without the express sanction of Government.

The Sudder Board of Revenue, North Western Provinces, desire that all Commissioners will communicate to the Collectors, and Officers exercising the power of Collector, under their control, that they are strictly prohibited from altering the Jumma of any Mehal of which the Current Settlement has been approved by Government, without the express sanction of Government.

2nd. When any reasons exist for altering the assessment of a village, the Collector should state these reasons, and in that case they will be carefully considered by the Board, and, if sufficient, laid before Government. The alteration of a Jumma is not an emergency of such a pressing nature as to require immediate action, and no bad consequences can possibly result from the short delay that will occur between the despatch of the report and the communication of the Orders of Government in reply.

3rd. The present instructions are not intended to hinder Officers from bringing to the notice of the Board any calamity or deterioration in their Districts. On the contrary, the Board desire to impress upon all Officers in charge of Districts, that it is one of their first duties to communicate to the Board any circumstances affecting the position of the Country entrusted to their care. But it must not be forgotten that, while suspension of demand can take place under the authority of the Board or even the Commissioners (para. 39, Directions to Collectors of Land Revenue), a deduction of Jumma can be made only with the sanction of Government, and ought never to be attempted without that sanction being first obtained.

No. 11 OF 1847.

REVENUE.

Dated Agra, the 2nd July, 1847.

Sales.
Rules to be observed in cases of proposed Sales.

The Reports furnished on proposing the measure of a Sale for Revenue Balances are generally defective in respect of the information necessary to enable the Sudder Board to form a Judgment with regard to the necessity of the measure, I am accordingly instructed by the Board to request that the following Rules may for the future be strictly attended to.

2nd. The first point to be ascertained and stated clearly is the nature of the Tenure, that is to say, whether the Mehal to be sold is the property of Non-resident and Non-cultivating holders, or whether it belongs to Resident and cultivating Proprietors.

3rd. In this first instance, the bare facts of the existence of the Balance and the nature of the Tenure will be generally sufficient to procure authority for the Sale.

4th. In the second case the Number, Caste and Habits of the Putteedars or Sharers should be stated. The cause of the Balance should invariably be detailed, whether arising from wilfulness, dissension, embezzlement, temporary calamity, poverty of Zumeendars or other cause. If the Balance arise from quarrels, the subject of those quarrels should be stated, and the reasons why they cannot be composed by the Collector; if from temporary calamity, the reason why the measure of Sale is preferred to suspension of a portion of the Government demand, and why the whole are held jointly responsible, rather than the actual defaulters separately responsible; if from wilfulness, the evidence which indicates that wilfulness.

5th. In Estates of which it is proposed to sell only a Puttee, or a Share, the Collector should state what hinders the Solvent Putteedars from coming forward to pay the Balance, and take the Puttee or Share of the Insolvent.

6th. The Report proposing Sale should always be accompanied by a copy of the Forms No. II. and III. of Settlement, and a Statement of any changes in the Malgoozaree, that have taken place since Settlement. The present state of the Mehal should be compared with its apparent state at the time of Settlement, and the cause of any change that may have taken place should be assigned.

7th. When an Estate is under Mortgage, the nature of the Tenure of the Proprietors should be stated as to whether they are Resident or Non-resident and Non-cultivating, and in the former case, their Numbers, Habits and Castes.

8th. In ALL cases of Sale, the Collector must report whether there is a probability of finding Purchasers, and whether the Sale is the sole method of realizing the Balance, or whether it is preferred for some special reasons to the other modes, which are open to the Revenue Authorities.

9th. In general, it is not advisable to propose a Sale without a prospect of finding Purchasers, but to this Rule there are the following exceptions:

1st. When the Balance is owing to quarrels which the Collector cannot compose, then if there are no Purchasers the Government should buy the Estate in, and thereby acquire the absolute right to settle the quarrels, and if advisable the power of restoring the Mehal to such parties as are not in fault, after satisfaction of the Balance.

2nd. In cases where the owner himself purchased the Mehal at Auction either for Balances or under Decree, for such persons being Speculators must abide the consequences bad or good of their speculations.

3rd. When the Balance is owing to wilfulness or dishonesty or distress that the Government may obtain the power of clearing the Estate of the contumacious or worthless or of restoring it to prosperity by the employment of care and capital.

10th. Therefore whenever a Sale is proposed without prospect of Purchasers, the Collector should state what he intends to do with it in case of the Government becoming the owner, whether he mean to break up the community or to cure the defects in its constitution and restore the Ownership, or whether he propose to first beat down contumaciousness, to restore prosperity under Kham Management, and eventually sell the Estate, when he has rendered it marketable on account of Government.

11th. To the Collector the mode of disposal of an Estate after it is acquired by Government ought to be a subject of as mature consideration as the proposing it for Sale.

12th. For the System of Dustuck proclamation, Sale and blind buying in by Government as if a Machine were set in motion will no longer be accepted by the Board nor by the Government.

No. 13 of 1847.

REVENUE.

Dated Agra, the 6th July, 1847.

Respecting the practice of submitting correspondence with Dockets.
The Board having observed that advantage has been taken of the Docketting system in correspondence, to forward without comment papers which required a separate and explanatory letter issue instructions on the subject.

The Board having had frequent reason to observe that advantage has been taken of the Docketting system in correspondence to forward without comment papers which required a separate and explanatory Letter, are pleased to issue the following instructions.

2nd. Whenever the details on which any proposition may be founded are scattered through several Enclosures, the Letter submitting the proposition should state what

the points for consideration are, and where it may refer to matters of account, the total sum for which the reference is made.

3rd. In such cases a Docket is inadmissible, and serves only to prove the inadvertance of the Officer submitting it, and his unwillingness to enter into the details which he is the Channel of forwarding.

No. 15 OF 1847.

REVENUE.

Dated Agra, the 23rd of July, 1847.

Rights of Solvent Putteedars, who take Defaulting Puttees in transfer, under Act I. of 1841 *or Regulation XXVII. of* 1803.

Board publish for general information, the following Extract of a Letter from Government, No. 2521, dated 16th June, defining the above.

The Sudder Board of Revenue, North Western Provinces, with the sanction of Government publish for general information the following Extract of a Letter from Government, No. 2531, dated 16th June, defining the rights of a Solvent Putteedar, who takes a defaulting Puttee in transfer under Act I. 1841, or Regulation XXVII. 1803.

"When a Puttee is transferred to a Solvent Putteedar, the Transferee acquires in "the transferred Puttee, the rights of a Proprietor or of a Mortgagee, according as the "transfer is in perpetuity or temporary. The right thus acquired is transferrable, and "therefore no collateral Security is necessary, nor can the Transferee be called a "'Stranger.' It is desirable that correct views on this subject should prevail."

No. 17 OF 1847.

REVENUE.

Dated Agra, the 30th of July, 1847.

Sale of Estates.

Instructions for preparing a List of certain class of Estates the Sale of which it is desirable should take place without having resort to any other process, and immediately on the occurrence of an arrear.

It will be observed by a reference to Para. 94 of the Directions to Collectors of Land Revenue that there are certain classes of Estates, the Sale of which it is desirable should take place, without having resort to any other process, and immediately on the occurrence of an rear.

2nd. The Sudder Board desire me to direct that a List of such Estates be drawn up for each District, and submitted for the sanction of the Board. No addition or change is to be allowed in this List except under the authority of the Board.

3rd. The list contemplated in these orders should contain Estates acquired at Public Auction, whether for Balances or under Decree of Court, and Estates notoriously profitable when held by Non-resident or Non-cultivating Proprietors. There may even be a few cases in which Bhyachara Estates, where the assessment is notoriously very light, may be included in this List.

4th. In each case Collectors are desired to give the specific reason for which the Estate is proposed for entry in the List.

No. 18 OF 1847.

REVENUE.

Dated Agra, the 30th of July, 1847.

The following point having been ruled by Government, the Rule is published for general information.

Farming Leases.

Board publish for general information, a Rule by Government respecting the sufficiency of security lodged by a Farmer.

2nd. The sufficiency of security lodged by a Farmer must be considered as an essential condition of a Lease; the Lease is consequently liable to annulment whenever the Security ceases to be valid.

3rd. The Farmer should always be allowed a reasonable period, being not less than one month, for bringing forward fresh Security, but on his failing to do so, the Collector should refer the matter for the Orders of the Board, stating at the same time his opinion whether, under the circumstances, it is necessary for the Security of the Revenue that the Farm be cancelled. Pending the result of this reference, the Collector will take such precautions as may be requisite to prevent any embezzlement of the proceeds of the Land.

No. 1 of 1847.

REVENUE.

FROM

W. MUIR, ESQUIRE,

Secy. to the Board of Revenue, N. W. P.

To the Commissioners of Divisions 1 *to* 5, *Delhie, Saugor and Kumaon.*

Dated Agra, the 3rd *August,* 1847.

Meteorological Registers.

Board request that in submitting the above Statements an Abstract be given in Commissioner's Letter of the average result in each District agreeably to the accompanying Form.

The Sudder Board of Revenue request that, in submitting the Meteorological Registers of your Division, you will in your Letter insert an Abstract of the average result in each District in the accompanying Form :

District.	Average.
Whole Division.	

No. 19. OF 1847.

REVENUE.

Dated Agra, the 3rd *August,* 1847.

Sales of Estates not in Balance and other real property.

Board promulgate instructions on the subject for future guidance.

The attention of Commissioners is drawn to Section 5, Act I. 1845, where it is laid down that "no Estate shall be sold for the "recovery of Arrears due on account of Estates "other than that to be sold," except under the Rules specified.

2nd. They are therefore reminded that the Sale of a Muhal other than that on which the Balance has occurred, must be held in strict conformity with the Act. The proposed Sale is first to be reported to the Board, who will fix a latest date for payment,

and on the day subsequently fixed by Proclamation by the Collector, the Sale must either take place, or be adjourned from day to day till completed.

3rd. Attention is also called to Para. 100 of the Book of Directions to Collectors of Land Revenue.

4th. Parcels of Land, Houses, Orchards, in short all real property not being a Muhal or part of a Muhal, are to be sold under Section 47, Regulation XXVII. 1803. That Section prescribes that such property shall be sold under the same Rules as lands subject to the payment of Revenue, so far as those Rules may be applicable. It will be necessary therefore to follow with regard to them the process above described, modifying the Statement of proposed Sale so as to suit the nature of the case.

No. 20 of 1847.

REVENUE.

Dated Agra, the 20th August, 1847.

Rates of remuneration for Transcripts of Official Documents.
Prescribing Rules in modification of C. O. No. 11, dated 2nd September 1845

With reference to the Board's Circular No. 11, dated 2nd September 1845 in which the rates for transcription are laid down, it appears that where the demand for copies is very limited, these rates are insufficient for the support of a copyist.

2nd. In such cases which include all the Commissioners' Offices, parties requiring copies may be allowed to bring their own copyists, and make their own bargain. A responsible person in the Office must on such occasions be always present to read the paper to the copyist, so as to prevent the possibility of erasure or interpolation being made in it, and the Signature of this responsible Officer should be required upon each copy.

No. 21 of 1847.

REVENUE.

Dated Agra, the 20th August, 1847.

Succession to a deceased Farmer's share in an Estate
Board circulate for general information and guidance Extracts from Orders of Government on the Subject

The Sudder Board of Revenue, North Western Provinces, desire me to Circulate for general information and guidance, Extracts from the Orders of Government, to the principles contained in which the Revenue Authorities are requested to pay attention.

Para. 2nd. "When a Farm is held jointly by two or more persons and one of "these dies, the Heirs of the deceas- "ed cannot succeed to his share in "the Farm without the consent of the "other Partners, notwithstanding that "there may be no objection to the "admission of the Heirs on the part "of Government.

Extract Para 2nd from a Letter, No. 2703 of 1847.
From J Thornton Esquire,
Secretary to the Government, of the N. W. P.
To W Muir, Esquire,
Secretary to the Sudder Board of Revenue, N. W. P.

Extract from a letter No. 3155, of 1847.
From J Thornton, Esquire,
Secretary to the Government of the N. W. P.
To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue, N. W. P.

"This Rule is only to be held ap- "plicable to cases in which the Rights "of the Farmers are confined to the "temporary Farming Lease, and will "not affect cases in which the parties "admitted to the Farm also lay claim to the permanent occupancy of the lands."

No. 22 OF 1847.

REVENUE.

Dated Agra, the 1st October, 1847.

The Court of Sudder Dewanny Adawlut, having directed in their Circular No. 1204, dated 1st September 1847, published in the Agra Government Gazette, No. 38, dated 21st idem, that a copy of every Registered Deed affecting landed property be forwarded to the Collector of the District in which it lies, the Sudder Board of Revenue have been pleased to determine the following Rules and course of procedure for the disposal of these Documents.

The Court of Sudder Dewanny Adawlut, having directed in their Circular, No 1204, dated 1st September 1847, published in the Agra Government Gazette, No. 38 dated 21st idem, that a copy of every Registered Deed affecting landed property be forwarded to the Collector of the District in which it lies, Board determine rules and course of procedure for the disposal of such Documents, and state that the objects aimed at by this new practice are to diminish the chances of interpolation and facilitate reference.

2nd. The objects aimed at by this new practice, are to diminish the chances of interpolation, and to add to the facilities of reference.

3rd. With a view to these objects, the Collector will endorse the Roobakaree under cover of which every Document or set of Documents is forwarded to him, with an order that the Document or Documents be lodged in the Record Office.

4th. The Document or Documents so received will form a separate *Misl* in the bundle of the Mouzah to which they belong, and will be entered in a new Column in the fly list and in the Mouzahwar General Index to be headed "Registered Deeds." When any Document or set of Documents becomes the occasion of an actual transfer of proprietary possession, there will be an additional Misl and a fresh entry under the head of Proprietary Mutations or "Dakhil Kharij."

5th. Where the Documents forwarded with a single Roobakaree, refer to more Villages than one, the Papers are to be placed with the bundle of the Chief or Principal Village, and an Abstract paper referring to the Documents (*Jakur*) is to be put with the bundle of each Mouzah affected by the Deed.

6th. When the Register of Deeds forwards to the Collector the Monthly Extract from his Index No. 2, as enjoined in Paragraph 5th of the Circular Order issued by the Court of Sudder Dewanny Adawlut, the Collector will order the record Keeper to compare the List with the Deeds actually received and to report any defects or inaccuracies he may discover. The necessary steps should then be taken in communication with the Register to correct the errors.

7th. If these arrangements are carefully carried out, there will be no difficulty in tracing any Deed to the spot to which it is consigned in the Collector's Office. The applicant will merely have to indicate the Pergunnah and Village.

8th. The Serishtadar and Mohafiz Duftur will be responsible, the former for the issue of the correct Orders, and for the safe custody of the Deed till it reaches the hands of the Record Establishment: the latter for the exact and careful fulfilment of the Collector's Orders, and of those laid down in this Circular.

9th. Commissioners are desired to see that these Rules are fully acted up to in their Divisions, and that appropriate penalties are inflicted for their neglect.

No. 23 of 1847.

REVENUE.

Dated Agra, the 8th October, 1847.

Review by Civil Courts of cases decided by the Revenue Authorities.

Communicating instructions for the guidance of Commissioners and Collectors on cases decided in the Revenue Department under Regulation VII. 1822, being called for by the Civil Courts for review.

The Sudder Dewanny, having recognized and concurred in the principle laid down in Para. 2 of the Board's Manuscript Circular N, dated 27th November last, it is of great importance that the course of proceeding therein directed be carefully observed. The Circular alluded to is the following:

"Whenever the Courts may call for proceedings in the Revenue Depart-
" ment, under Clause 1, Section 31, Regulation VII. of 1822, the Collector should be
" careful himself to examine the case, and to see that the Return is complete, adding
" to it any Documents which he may see to be wanting, or forwarding the Roobakarees
" in other similar cases, where the arguments may be more fully set forth. If these
" have not before been translated into the Vernacular Language, they should be so trans-
" lated before transmission, for it is important that all which bears on the case, should
" be as accessible as possible to all parties."

2nd. In all cases alluded to in the above Paragraph, the Collector is required to submit the papers to the Commissioner, who will be responsible for seeing that all the

Documents bearing on the case or class of cases in question, but which may not be in the ordinary Misl, are included in it, and if necessary translated into the Vernacular Language.

The Commissioner will lose no time in passing Orders upon the Collector's reference, and he will likewise keep the Board informed of all particulars respecting these cases.

No. 24 of 1847.

REVENUE.

Dated Agra, the 22nd October, 1847.

Fall of Rain.

Directing the insertion in the yearly administration Reports of the quantity of Rain fallen during the season, and in Form annexed.

The Sudder Board of Revenue request that in their yearly Administration Reports, Collectors will insert a Memorandum of the average of the fall of Rain in their respective Districts during the season in the following Form :

Month.	Fall of Rain.	
	Inches.	Tenths.
Average.		

2nd. The information may be given in the body of the Report, as it is likely to illustrate the condition of the District, and the state of the collections.

No. 26 OF 1847.

REVENUE.

Dated Agra, the 3rd December, 1847.

Arrears due by Farmers.
Rules respecting Arrears which may not have been recovered by the expiration of the year.

The Sudder Board of Revenue, North Western Provinces, desire me to draw the attention of the Revenue Authorities under their jurisdiction to Clause 1, Section 18, Regulation XXVII. of 1803. It is there laid down, that where Arrears shall be due by Farmers near the close of the year, the recovery of which shall not have been effected by its expiration certain extreme measures are to be resorted to.

2nd. It has been ruled by Government that the year here mentioned, is that according to which the Farming Lease was granted. Thus in cases concluded according to the Commercial year, when a Balance exists at the close of the third Kist, (that, viz. which falls due in November), the Collector is authorized by the Regulation to commence proceedings against the Farmer, whose ejectment ought to take place after the fourth Kist has fallen due, and before the Rubbee collections commence.

3rd. This order does not apply to the permanently settled Estates of the Benares Province, which on the point of treating a Farmer's Lease for default are regulated by Regulation VI. of 1795, Section 18.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES.

FOR 1847.

No. 218.

To all Officers in charge of Civil Treasuries in the North Western Provinces.

The Right Honorable the Governor General of India having under date the 6th November last, authorized that the Drafts heretofore drawn for the expences of the Thuggee and Dacoity Departments by the General Superintendent for the suppression of Thuggee (Col. W. H. Sleeman) be in future signed by Captain J. Sleeman, Superintendent for the suppression of Thuggee and Dacoitee at Jubbulpoor, and Col. Sleeman having, in a communication, dated 19th instant, intimated to me, that this arrangement is to have effect from the 1st Proximo, I have the honor to request, that you will duly honor all such Bills as may be drawn upon your Treasury by Captain J. Sleeman, and dispose of them in your Accounts in the same manner as those heretofore drawn by the General Superintendent, namely, as charges under the head "By Bills payable of the Political Department" subordinate to the Bengal Presidency.

Agra, the 20th April, 1847.

No. 219 OF 1847.

To all Post-masters in the North Western Provinces.

I have the honor to request that you will, commencing with your Cash Account for the ensuing Month of May, furnish on the back of your Monthly Cash Accounts, a Report on the Inefficient Balance of your Treasury in the subjoined Form, shewing therein the several unadjusted items in such detail as will afford the clearest information of their nature, and of the measures taken to promote their adjustment. The Form must be strictly adhered to, and the necessary particulars afforded under each Column thereof.

2nd. In the body of your Cash Account it will not be necessary to repeat these items, as it will be sufficient to refer to the details in the Report, thus:

Inefficient Balance as per details afforded in the subjoined Report ..... Rs. 000

Agra, the 30th April, 1847.

Report on Inefficient Balance of the Post-master of for May, 1847.

Dates of Disbursements.	Names of Disbursing Officers.	Particulars of Disbursements	Amount.			Remarks.
			Rs.	A.	P.	
3rd April, 1847,	W. Grey, ...	Contingent Expenditure for April, 1847, ...	25	0	0	A Bill transmitted for countersignature to Post-master General, on the 5th May, 1847.
5th Ditto,		Advanced on account of Establishment for April, 1847,	550	0	0	Ditto to Civil Auditor for Audit on the 2nd May, 1847.
2nd May, 1847,		Mail Cart Charges, for April, 1847, ...	1,560	1	6	Ditto to Post-master General for countersignature, on the 3rd May, 1847.
		Total Company's Rs., ..	2,135	1	6	As per Cash Account.
		E. E.				

A. B., *Post-master.*

No. 221 OF 1847-48.

To all Collectors in the North Western Provinces.

I have the honor to annex for your information Copy of a Circular this day issued to all Magistrates in the North Western Provinces, and to request that you will receive the Magistrate's Cash and Inefficient Balances, as they stood on the 30th ultimo, and incorporate them in your Treasury Account by first crediting their respective amounts under the head "To Magistrate of————" and then adding his Cash Balance to your own at the close of your Account, and exhibiting his Inefficient Balance under that of your own Treasury; keeping the details, however, of the latter under a subordinate head of "Magistrate's Inefficient Balance," and always maintaining this distinction in future.

2nd. I have further to request, that you will, from the Current Month, open two new Heads in your Monthly and Annual Treasury Accounts, viz. "To and By Deposits of the Magistrate's Court," and "To and By Ferry Fund," and discontinue in future the Remittance head of "To and By Magistrate," heretofore borne upon your Accounts

3rd. Under the first of the above-mentioned two new heads, you will be pleased to exhibit the Receipts and Disbursements of Deposits ordinarily occurring in the Magistrate's Office, viz. Deposits on account of Thanah repairs and of pay of Thanah Establishments pending payment; Deposits on account parties as security for good behaviour, &c &c., and on account of Chowkeedaree Tax; the detailed particulars of which will be included in Registers of Receipts, and Repayments to be prepared in the Magistrate's Office, and made over to you for transmission with your Monthly Accounts to this Office, as Appendices of your Treasury Accounts. You will be careful, however, to satisfy yourself that the amounts exhibited in these Registers have formed *bonâ fide* transactions, and have passed through your daily accounts, and that their aggregates correspond with those exhibited in your entries under this head.

To and By Deposits of the Magistrate's Court.

4th. Under the second new head, you must exhibit the Receipts and Disbursements appertaining to the Current Ferry Fund, Collections and Charges, the transactions of which also will pass through your daily accounts, as all Receipts will come into your Treasury and all Payments be made under the Magistrate's orders through your Treasury Warrants.

"To and By Ferry Fund"

5th. Under the ordinary head in your accounts of "To and By Judicial Charges General," besides exhibiting the Salaries and Deputation allowances of Covenanted and Uncovenanted Officers and Sudder Establishments and Contingencies, and the savings arising from leave of absence and vacancies, it will be necessary to exhibit under subordinate heads, as per margin,* all Receipts on account miscellaneous savings (such as from Diet Allowances, Pay of Guards, Proceeds of Fuel and Old Clothing, &c., in short all sums recovered on account Contingencies previously charged) should be exhibited under *Refunds and Recredits*. Fines levied from parties in all cases by the Magistrate and shewn in the Fine Statement, should be exhibited under *Fines* except those levied under Act XIV. of 1843, which must be distinctly entered. Under *Forfeitures and Escheats* should be exhibited all Forfeitures to which parties may have rendered themselves liable, and all Escheats, Sale proceeds of Unclaimed and Lawaris Property. Produce of convict's labor and unclaimed Deposits of 20 years standing and upwards, should also be distinctly entered, when any of the sums thus credited form items of refund, they must be included in the Judicial Contingent Bill, and debited under their proper subordinate head per Contra.

* Refunds and Recredits
Fines.
Fines under Act XIV of 1843.
Forfeitures and Escheats.
Sales proceeds of unclaimed property.
Produce of Convict labor.
Unclaimed Deposits.

6th. The charges on account of Mofussil Police Establishments and Thanah Repairs and those on account of Military Police Battalions must hereafter be exhibited under a head "By Provincial Police," the former under a subordinate head of *Civil* and the latter under that of *Military*. All absolute Savings on these accounts must be exhibited in a similar manner under "To Provincial Police," these Charges and Savings must not be mixed up with those occurring under the head of "To and By Judicial Charges General."

7th. Sums required by the written order of the Magistrate for Disbursements on account of his Deposits and Ferries or to meet the Contingent Charges of his Office, must be paid under your Treasury Warrants, and adjusted on the Receipt of his Monthly Registers of repayments of Deposits, and account of Ferry Fund Charges; and on his Audited Contingent Bills.

8th. You will be pleased from the Current Month to append additional Memoranda at the foot of your Treasury Accounts to indicate the state of the Magistrate's Deposit Accounts and Ferry Fund in the subjoined Form.*

* MEMORANDA.

	Deposits of the Magistrate's Court.												
				Chowkeedaree Tax.									
	Deposits.			Municipal Police under Regulation XXII. of 1816.			Mofussil Police per revised Revenue Settlements.			Total.			Ferry Fund.
Balance on the 1st Instant, ...													
Add, received during the month,													
Rs													
Deduct, Disbursements, during the Month, ..													
Balance on the 31st 184 Rs.,													

9th. I am not aware that any further instructions are necessary for your guidance for the incorporation of the Magistrate's future Receipts and Disbursements in your accounts, consequent on the abolition of the Magistrate's separate Cash Accounts, but should any difficulties arise in giving effect to these directions, you will be pleased to refer to this Office.

10th. I beg to add, that as there will be but one Treasury and one Cash Balance, I do not think it necessary that any Additional Security should be taken from your Treasurer.

11th. I take this opportunity with reference to instructions from the Hon'ble the Court of Directors, of requesting that you will not in future transfer to the Credit of Government any items of Deposit, whether of the Revenue or Judicial Department unless the same shall have remained unclaimed for a period of 20 years or upwards except such Items as properly appertain to other heads of Account, and have been erroneously held under that head. To prevent, however, a large accumulation of Unclaimed Items in your Annual Account particulars of Deposits, I would suggest that all Items Unclaimed for a period of five years, and not likely from your enquiries or information to be ever claimed, be, at the end of such period, charged in detail and

transferred in one aggregate sum to Credit as a fresh Deposit bearing a single number and at the end of 20 years, the four Deposits of the lustres, or such portions of them as may continue unclaimed, can be transferred to the Credit of Government under "Profit and Loss."

Agra, the 17th May, 1847.

No. 222.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to annex for your information and guidance Copy of a Letter this day written to the Collector of Agra relative to the future custody by him of Public Securities pledged to Heads of Offices and other Public Officers by their Subordinate Officers, or on their behalf as guarantee for the due performance of their official Duties, or for other Public Obligations.

2nd. Accordingly, any Government Promissory Notes now held by you in pledge on any Public Account in which Government is directly or indirectly interested, as well as those coming into your possession hereafter, must be transmitted to the Collector of Agra for safe custody.

Agra, the 22nd June, 1847.

No. 991.

To C. C. JACKSON, ESQUIRE, *Collector of Agra.*

I have the honor to annex Copy of a Letter from the Secretary to the Government, North Western Provinces in the Financial Department, dated the 8th Instant from which you will observe that you have been constituted the Depository of Government Promissory Notes or Public Securities indorsed and made over to Heads of Offices in the North Western Provinces by their subordinate Officers, or on their behalf, for the due performance of Public Duties, or for other Public Obligations.

2nd. The Security being pledged to the Government for the efficiency of the Public Service or as a guarantee for a specific Public purpose, the Government is liable to the Pledger for the safety of his Deposit if made in Government Promissory Notes, and is therefore interested in ensuring that these Securities shall be held in safe custody, and shall not be liable to loss or misappropriation, you will therefore see the necessity of providing not only for their safe custody, but also against their misappropriation, or their injury in any way.

3rd. On any Public Officer in the North Western Provinces receiving such a Public Security or Government Promissory Note as a Pledge, and forwarding it to you for

safe custody, you will be careful to see that it is perfect in Endorsements, and is also duly endorsed to such Officer in his Official capacity; and to furnish such Officer with your acknowledgment, for the same, indicating in such acknowledgment, the number, date and amount of the Paper and the particular Loan to which it appertains, you will also, as soon as possible forward the Government Security to the Deputy Accountant General at the Presidency for the purpose of ascertaining its genuineness, and of making the Interest thereof payable from your Treasury, adopting of course the precautions of Registry prescribed in Public Notification from the Financial Department, dated 6th March 1839, previously to putting it into the Post Office.

4th. On the return of the Security to you, you will be pleased to intimate the circumstance to the Public Officer by whom it was originally sent to you for safe custody for the information of the interested parties, and to hold the same thenceforth in your safe custody on his behalf, remitting to him periodically the interest accruing on the Security in your custody by a Public Draft from your Treasury upon the Public Treasury nearest to him either in his favor or that of the pledging Proprietor of the Security as he may desire, and duly entering the payment and mode of payment upon the back of the Security, and charging his Receipt obtained in triplicate in your Treasury Account in the usual manner for the Interest payment. Should the Pledger or his accredited Agent be at Agra, the accruing Interest may be paid to him in Cash upon his Receipts if so authorized by the Public Officer who transmitted to you the Security.

5th. Any Public Officer transmitting a Public Security to you for safe custody may whenever necessary withdraw such Security from your custody by an official application to you accompanied by his Receipt in Duplicate.

6th. All Receipts into, and withdrawals of Government Securities from your custody, must be immediately reported for the information of this Office.

7th. The amounts of all Promissory Notes deposited in your Treasury must be entered in your Treasury Accounts under "Deposits," and included and indicated as the first Item in your Monthly Cash Balance Reports.

Agra, the 22nd June, 1847.

No. 223 of 1847-48.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With reference to the Officiating Accountant's Circular, No. 210, dated 25th July 1846, I have the honor to request, that you will, on and after the Receipt of this Letter, refrain from issuing any Bills upon the Civil Treasury at Lahore, which is henceforth to be abolished.

2nd. A Treasury being now attached to the Residency at Lahore under charge of the Assistant Resident there, you are requested to honor all such Bills as the Resident or an Assistant of that Officer may have occasion to draw upon your Treasury.

3rd. You will not however draw upon the Resident at Lahore any other Drafts than such as may be required in Exchange for Drafts upon your Treasury, held by Military Officers proceeding to or located at Lahore or such as may be required by Post-masters or other Public Functionaries on the Public Service, under existing Rules. Military Officers not actually located at Lahore, but elsewhere in the Jullunder Dooab should be furnished with the Exchange Drafts upon either of the three Revenue Treasuries established in that Territory at Kangra, Hooshyarpoor and Jullunder.

4th. All Bill transactions with the above-mentioned Treasury must be exhibited in your Treasury Accounts under "Residency Treasury at Lahore," subordinate to "Bills Payable of the Political Department," North Western Provinces.

Agra, the 15th July, 1847.

No. 224.

To all Post-masters in the North Western Provinces.

To enable this Office to trace the gradual reduction or increase of items under your Inefficient Balance, I have the honor to request that you will, commencing with your next Cash Account, exhibit your Cash and Inefficient Balance in the undermentioned Form:

By Balance,											
Cash Balance,											
Company's Rupees, ...					0	15	0				
Furruckabad Rupees, smooth rimmed, ...					0	35	0				
Half Rupees, ...				40	0	20	0				
Quarter Rupees, ...				28	0	7	0				
Company's Pyce at 64 per Rupee, ...				256	0	4	0				
										81	0
Inefficient Balance.											
As it stood at the close of last Month, ...						2114	0				
Deduct,											
Received by Muttra Draft, No. 5 per Rupee, ...				14	4						
Ditto by Agra Draft, No. 11 per Rupee, ...				27	8						
Ditto by Cawnpoor Draft, No. 3 per Rupee, ...				112	8						
Ditto by Calcutta Draft, No. 141 per Rupee, ...				314	4						
Ditto in Cash from A B, ...				40	8						
Four Audited Bills charged in present Cash Account, ...				307	0						
						816	0				
								1298	0		
Add—											
Disbursed in the present Month as per particulars detailed on the annexed Inefficient Balance Report, ...								724	0		
										2022	0
											2103

2nd. In the Inefficient Balance Report, details must of course be afforded of every Item continued or held under that head, as well those appertaining to previous Months' Disbursements as those incurred in the Current Month.

3rd. You are further requested on occasions of applying to the Collector or other Officer in charge of the Treasury on which you are dependant for Funds, for Bills of

Exchange for the purpose of making Remittances to other Post-masters that you will invariably state in your applications the Specific purpose for which such Bills are required; as for instance, for Dawks laid for Travellers on your requisition, for Demurrage, for Transit Charges of Packages or other Public purposes, affording the names of the Travellers and other particulars.

4th. When several amounts are to be remitted to the same Post-master, the application should be made for one Bill for the aggregate sum, and the purposes detailed as per margin.* Collectors have been directed to refuse Bills to Post-masters who do not give the necessary particulars which they are required to insert on all Bills issued in future on the application of the Post-masters; and as the needless multiplication of Bills is attended with considerable inconvenience, both to the Office drawing and that drawn upon, Collectors are requested to refuse your applications for several Bills on the same Treasury on the same date.

	Rs.	A.	P.
* For Mr. A. B.'s Dâk from ——— to ———	17	4	0
Lieut. C. D.'s Dâk from ——— to ———	36	8	0
Mr. E. F.'s demurrage returnable to (or realized from him)	11	10	0
Transit charges of a package addressed to G. H. Esq.	7	6	0
Rs.	72	12	0

Agra the 24th July, 1847.

No. 225.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

I have the honor to annex for your information Copy of a Circular this day issued to all Post-masters, in the North Western Provinces, and to request your particular attention to the two last Paragraphs thereof.

2nd. In every Bill of Exchange granted on the application of the Post-master of your Station, you will be careful to insert the particular purpose or purposes for which the Bill is required, which information you will obtain from that Officer's application.

3rd. In cases in which the aggregate amount embraces various purposes, the detail should be given on the back of the Bill, but in ordinary cases the purpose may be stated in the body of your Drafts. Any application not stating the particular purpose for which the Bill is requested should be rejected, as also such as require several Bills in favor of the same Post-master or on the same Treasury, on the same day.

Agra, the 24th July, 1847.

No. 226 OF 1847-48.

To all Officers in charge of Revenue and Political Treasuries, Post-masters and Collectors of Customs of the North Western Provinces.

With the view of securing greater attention on the part of Officers in charge of Treasuries to the speedy adjustment of Inefficient Balances, which may be left unadjusted by their Predecessors, the following Rules are issued with the sanction of Government.

2nd. Any culpable Remissness on the part of an Officer in charge of a Treasury in disposing of the several Items which may be contained in his Inefficient Balance on his assuming charge of the Office, shall, when satisfactorily established, render such Officer responsible for any loss which the Government may thereby sustain, jointly with the Officer who may have incurred the charge.

3rd. An Officer will be considered to have shewn culpable Remissness in disposing of any Item of this nature in his Inefficient Balance, who may not have taken such Steps as lay in his power to procure an adjustment of that Item, within a period of three months, from the time of his assuming charge of the Treasury.

4th. This Rule is applicable to Post-masters as well as to all Officers in the Revenue and Judicial Departments, and generally to all who may be entrusted with the Disbursement of Public Money, and may render their Accounts to the Accountant for the North Western Provinces at Agra.

Agra, the 27th August, 1847.

No. 228 OF 1847-48.

To all Officers in charge of Revenue and Political Treasuries in the North Western Provinces.

With a view to ascertain as far as may be practicable, the probable surplus or deficiency in each Treasury from the commencement of the Revenue Kists of one-half yearly period, to that of another, and to take timely measures to arrange the necessary Funds so as to prevent inconvenience in any Quarter, I have the honor to request that you will open an additional Column in your Monthly Estimates, and insert therein the probable Receipts and Disbursements of your Treasury for the period beyond the three months, (the Current and two ensuing months,) usually estimated for at present up to the ensuing Kist either of May or November.

2nd. Thus the Estimate rendered in November, must shew your expectations in November, December and January separately as at present, and those in February, March and April *altogether* in the additional Column. In the same way the December Estimate will exhibit the three months, (December, January and February) *separately*, and March and April *together* in the additional Column. In the February, March

and April Estimates, and in those for August, September and October you will only estimate for three months as at present.

3rd. I have earnestly to request that in these returns your calculations may be made as carefully and accurately, as the experience of past years, and existing prospects may enable you to do.

4th. To obviate delay, I beg to transmit herewith Twelve Copies of Estimates with the additional Column provided therein.

Agra, the 25th October, 1847.

CIRCULAR ORDERS

OF THE

CIVIL AUDITOR'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1847.

No. 73.

To the Superintendents Government Dispensaries in the North Western Provinces.

In submitting your future Monthly Abstracts of the Dispensary, for the countersignature of the Medical Board, I have the honor to request you will be good enough to make it an invariable Rule to insert the name of the Sub-Assistant Surgeon, whose salary is included therein, likewise that of the Civil Surgeon drawing the Superintendent's allowance, to admit of the necessary check in cases of their removal or going on leave.

Agra, the 28th January, 1847.

No. 242.

To the Commissioners of Revenue and Circuit and Customs and all Officers having Authority to Countersign Contingent Bills.

The Civil Auditor, North Western Provinces, has the honor to request, that the above Authorities will have the goodness to Countersign the Duplicates as well as the Originals of the Bills submitted for their sanction.

No Bills will receive Audit in future, without the Duplicates being so countersigned.

Agra, the 30th March, 1847.

No. 470.

To all Magistrates in the North Western Provinces.

With reference to the Monthly Voucher of Contingent Charges on account of the Jail, which is countersigned by the Inspector of Prisons, North Western Provinces, I

have the honor to request you will be careful to shew the several Items separately in your Contingent Bill under their proper heads, and not the total amount of the Voucher alone as a single charge.

2nd. I beg to observe that the Form of Contingent Bill issued by my Predecessor with his Circular Letter addressed to the several Commissioners of the North Western Provinces, dated 28th July 1840, should be strictly attended to, with the Additional Entries as per revised Form accompanying, which I have been induced to draw out to provide for the changes that have taken place since that period up to the present time.

3rd. In conclusion I have to urge on you, the necessity of submitting only one Contingent Bill for each month for Audit, as directed in Mr. Civil Auditor Wynch's Circular of the 4th April 1832.

Agra, the 7th June, 1847.

P. S. To prevent any delay in the adoption of the Contingent Bill as now required, I have this day dispatched under separate cover, to your address 30 Copies for the use of your Office.

JUDICIAL CONTINGENT BILL

Of the Magistrate's Office of Zillah *for the month of*

Date of Authority.	No. of Voucher.				
		MISCELLANEOUS CONTINGENCIES.			
Commissioner, ...	1	Expended under the above head as per Bill countersigned by the Commissioner.			
Sessions Judge, ...	2	Ditto ditto ditto ditto, Bill countersigned by Sessions Judge.			
Inspector of Prisons, North Western Provinces, ...	3	Ditto ditto on account of Jail Bill countersigned by the Inspector of Prisons, North Western Provinces.			
		TEMPORARY ESTABLISHMENT.			
Daily Register of Guards,	4	Jemadars, Duffadars and Burkundauzes for guarding the Prisoners at work on the Roads.			
Government 24th Jany., 1828, ...		Native Doctor.			
		ADDITIONAL ESTABLISHMENT.			
Government, ...	5	Jemadars, Duffadars and Nujeebs employed as Night guards to Prisoners out in the District.			
Inspector of Prisons, North Western Provinces, ...	6	Nujeebs entertained in lieu of those on fixed Establishment employed in guarding Prisoners transported to other Zillahs.			
Commissioner of Circuit,	7	Extra Mohurrirs or Umlah, on account of press or arrears of business.			

Date of Authority.	No. of Voucher.			
Statement countersigned by the Commissioner,	8	Travelling Charges to Umlah in attendance on Magistrate in the District.		
Bill of Civil Surgeon,	9	Travelling Charges of Civil Surgeon for visiting Gangs of Prisoners working on the Roads.		
Statement countersigned by Commissioner,	10	Extra Stationery expended above the fixed allowance.		
	11	Outlay on account of Paals or Huts for Prisoners working in the District.		
Civil Surgeon's Bill,	12	Country Medicines for Civil Stations, &c., &c.		
		REWARDS.		
Letter of Commissioner, dated	13	Paid to for apprehending		
Letter of Sessions Judge, dated	14	Paid to for apprehending		
Statement countersigned by Sessions Judge,	15	Dieting indigent Witnesses in cases before the Magistrate.		
	16	Ditto ditto before Sessions Judge.		
		PRISONERS.		
		HOSPITAL CHARGES.		
Bill countersigned by Inspector of Prisons, North Western Provinces,		Native Medicines, cost of Extra Diet of Prisoners in Hospital, &c., &c., for the month of ——		

		CLOTHING AND BEDDING FOR PRISONERS.		
Bill countersigned by Inspector of Prisons, North Western Provinces,				
		DIETING PRISONERS.		
Ditto,				
		MATERIALS FOR MANUFACTORY IN JAIL.		
Ditto,				
		ADDITIONS, ALTERATIONS AND REPAIRS IN JAIL.		
Ditto,				

		REPAIRS OF BUILDINGS.	
Government or Commissioner,		Repairs in Thannahs.	
		EXTRA POLICE.	
Bill countersigned by Commissioner,		Temporary Establishments at Fairs or on special occasions.	
Government Orders, dated		Sawars specially entertained.	
		FINES.	
Bill countersigned by Sessions Judges,		Amount of Fines refunded.	
Ditto by Commissioners,		Ditto ditto ditto.	

No. 947.

To all Magistrates in the North Western Provinces.

Having in communication with the Inspector of Prisons, North Western Provinces determined on the adoption of an uniform system of shewing in account, the Monthly Savings accruing from Convict labor, I have the honor to request you will be good enough to insert at the foot of the Voucher, No. 2, attached to your Jail Contingent Bill (commencing with that for November 1847,) a Memorandum as per margin,* in lieu of the particulars given, as it is now necessary to insure the crediting of the Savings in the accounts, to enable the Accountant, North Western Provinces, to tell at once the amount realized in the several Districts whenever called upon.

* *Memoranda.*	Rs.	A.	P.
Actual cost of Wheat, or any other article of Diet purchased, ...	200	0	0
Estimated proceeds of Prison labor for grinding Corn, &c., at 3 annas per Maund for 533 maunds 13 seers and 5½ chittacks, ...	*100	0	0
Company's Rupees,....	300	0	0
* Amount deducted on account of wages of Bunniah and hire for the conveyance of grain.	25	0	0
Balance to be carried to the credit of Prison labor in the account, ...	75	0	0
Company's Rupees,....	100	0	0

Agra, the 27th November, 1847.